

BOARD OF SUPERVISORS

MINUTES

April 13, 2005

Supervisors in Attendance:

Mr. Edward B. Barber, Chairman
Mr. R. M. "Dickie" King, Jr.,
Vice Chairman
Mrs. Renny Bush Humphrey
Mr. Kelly E. Miller
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

School Board Member in Attendance:

Dr. James R. Schroeder

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. Kevin Bruny, Dean,
Chesterfield University
Mr. Craig Bryant, Dir.,
Utilities
Dr. Billy Cannaday, Jr.,
Supt., School Board
Ms. Jana Carter, Dir.,
Youth Planning and
Development
Mr. Richard Cordle,
Treasurer
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Charles Dane, Asst.
Dir., External Services
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Dir.,
Economic Development
Mr. Robert Eanes, Asst. to
the County Administrator
Ms. Lisa Elko, CMC
Clerk
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Joseph A. Horbal,
Commissioner of Revenue
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Ms. Mary Lou Lyle, Dir.,
Accounting
Chief Paul Mauger,
Fire and EMS Dept.
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney

Mr. Francis Pitaro, Dir.,
General Services
Mr. Dean Sasek, Asst.
Right-of-Way Manager
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Kirk Turner, Dir.,
Planning

Mr. Barber called the regularly scheduled meeting to order at 3:31 p.m.

1. APPROVAL OF MINUTES FOR MARCH 23, 2005

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board approved the minutes of March 23, 2005, as submitted.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

O VERIZON UPDATE

Mr. Randy Dillard, Area Manager for External Affairs for Verizon, provided an overview of enhancements to Verizon's network in Chesterfield County. He stated in 2005 Verizon will continue to transform its business from a telephone to a broadband business. He further stated the transformation involves advanced fiber optic technology to connect homes or businesses directly to the fiber network. He highlighted benefits of the enhanced service to the county and its residents, including superior broadband speeds at competitive pricing; a positive impact on economic development; encouragement of business growth in the e-commerce world; and flexibility for customer preferences. He stated, in order to provide this service, the construction process may be intrusive to residents in the network areas along easements and on property.

In response to Mr. Miller's questions, Mr. Dillard stated the process will be intrusive to homeowners who may not have been aware of the location of the network when they planted flowers or installed invisible fences and sprinkler systems in a Verizon easement. He further stated the process will include boring under driveways and trenching in yards. He stated construction should not occur outside of easements.

Ms. Humphrey expressed appreciation to Verizon for enhancing service along the Hull Street Corridor without disrupting rush hour traffic.

Mr. Barber thanked Mr. Dillard for providing the Board with details of Verizon's enhancement project.

3. BOARD COMMITTEE REPORTS

Mr. Miller stated National Day of Prayer is May 5th, and a service will be held at noon at the Historic Courthouse.

Mrs. Humphrey stated the BRAC process will be completed by May 15, 2005. She requested that Mr. Ramsey provide a report at the May 25, 2005 Board meeting regarding the outcome of the BRAC process in the region.

Mr. Warren recognized Mr. Greg Wingfield, President of the Greater Richmond Partnership, who was present at the meeting. He stated, at Mr. Barber's request, Mr. Ramsey provided a report to Board members regarding benefits of the county's membership in the partnership. He further stated staff is recommending that the county continue to be active in the Greater Richmond Partnership. He provided details from Mr. Ramsey's report indicating that the return on the county's investment in the partnership since 1994 has been 191 to one. He stated Mr. Wingfield has also prepared a report relative to the total number of jobs created by the partnership in the region. He further stated it is obvious to him that the Greater Richmond Partnership is meeting the needs of Chesterfield County.

In response to Mr. Warren's question, Mr. Ramsey stated the tax revenue received through membership of the Greater Richmond Partnership far exceeds the county's expenditure. He further stated it would cost significantly more for the county to replace the services of the partnership alone, rather than jointly through the four member jurisdictions. He stated he and Mr. Barber met with Mr. Wingfield to discuss the amount of investment received by Chesterfield as a member of the Greater Richmond Partnership.

Mr. Barber stated this issue will be addressed further when the Board considers the budget later in the agenda.

Mr. Miller expressed concerns relative to the dollar value the county is receiving from membership in the partnership. He stated he believes the Board should review all of its expenditures annually during the budget process to ensure that an honest return is being received.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Warren, seconded by Mr. King, the Board moved Item 8.B.7., Consideration of the FY2006 Biennial Financial Plan, to be heard after Item 6., Work Session; added Item 8.B.5.f., Resolution Recognizing the Third Week in April, as "Volunteer Appreciation Week" in Chesterfield County; deleted Item 8.B.11., Authorization to Exercise Eminent Domain for the Acquisition of Offsite Sewer and Temporary Construction Easements for Bendahl Valley, Section A; replaced Item 15.B., Public Hearing to Consider 1) Approval of a Ground Lease in Connection with Certificates of Participation Financing for the Police Property/Evidence Storage Facility, 2) Approval of a Resolution to Authorize Entering into a Ground Lease and Other Actions Related to Certificates of Participation Financing for Various Capital Improvement Projects, and 3) Appropriation of Anticipated

Proceeds for the Airport Hangar Project; and adopted the Agenda, as amended.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

There were no resolutions or special recognitions at this time.

6. WORK SESSION

o WORK SESSION ON COUNTY ADMINISTRATOR'S AMENDED FY2006 BIENNIAL FINANCIAL PLAN, THE PROPOSED FY2006 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME ANNUAL PLAN, AND THE PROPOSED FY2006-FY2011 CAPITAL IMPROVEMENT PROGRAM

Ms. Dickson provided an overview of requested changes to the County Administrator's Proposed FY2006 Budget, the proposed Capital Improvement Program, and the proposed Community Development Block Grant Program. She stated the Board is proposing a tax reduction package as part of the FY2006 budget, which includes a one-cent real estate tax rate reduction effective January 2006 and a three-year plan to enhance the tax relief for the elderly and disabled program. She further stated staff has been directed to prepare future budgets at a one-cent real estate tax reduction per year, to obtain a goal of five to seven cents over time. She noted this directive is dependent on factors such as economy, real estate values and state funding. She reviewed proposed budget adjustments totaling \$1.6 million, including reallocating property tax revenues; a reduction for a revised opening date for the new jail; reduction from 13 to 10 relief positions at the new jail; reallocating a financial system position; a reduction in community contracts for First Tee Chesterfield; and a budgeted debt service adjustment based on planned sales. She then reviewed additional Board recommended changes to the budget, including \$100,000 in revenue and expenditures for the Early Intervention-Infant Program; an additional \$3,000 for Richard Bland College; \$6,000 for Parks and Recreation's Youth Inclusion Program; \$5,000 for the Jesse Mayes Computer Center; and a decrease in budgeted debt service based on planned sales. She noted staff has been requested to reserve \$390,000 in the budget for the Greater Richmond Partnership, pending the Board's spending decision. She reviewed County Administrator recommended changes, including revenues and expenditures for net Compensation Board adjustments and the Van-Go (Access) Transportation Program; increased dues for the Virginia Association of Counties; and a budgeted debt service adjustment based on planned sales. She then reviewed recommendations relative to Grants and Schools. She provided details of requested changes to the 2005 Capital Improvement Program (CIP), including transferring \$149,300 from the Capital Projects Reserve for start up funds for the Chesterfield Aviation Museum; appropriating \$50,000 in Foundation funds and reallocating \$50,000 in Library CIP funds for the Chester Arts Facility Foundation Grant. She reviewed recommended changes to the 2006-2011 Capital Improvement Program, including additional funding for

restrooms/portable concessions at various facilities; use of \$500,000 identified for the Extension of the Powhite Parkway/Greensprings Project for VDOT Revenue Sharing; and appropriation of \$821,500 in state construction funds for security enhancements at five county high schools.

Mr. Warren stated he has heard many concerns relative to maintenance issues at Monacan High School and inquired whether there is funding in the school budget to address these issues.

Ms. Kitchen stated, although there is no major renovation project in the Capital Improvement Program for Monacan High School, a list of issues has been created and the concerns are being addressed. She noted a field house and specialty center has been added at Monacan, both in excess of \$1 million.

Mrs. Humphrey inquired whether increased fuel costs have been addressed in the school budget.

Ms. Kitchen stated significant new dollars were budgeted for fuel, and staff will monitor increases in fuel costs and make adjustments in other areas, if necessary.

Mr. Barber stated the proposed budget includes holding the Greater Richmond Partnership membership donation in reserve pending further discussion.

Mr. Ramsey stated he and Mr. Barber met with Mr. Greg Wingfield on April 11th to discuss the county's involvement in the Greater Richmond Partnership. He further stated there are five items included at end of his written report to the Board that need further discussion and possibly negotiation. He stated Mr. Wingfield has agreed to work through the issues, and he will report back to the Board and make a recommendation at that point.

Mr. Barber expressed concerns relative to the amount of money Chesterfield provides to the Greater Richmond Partnership that is diverted to the Greater Richmond Chamber of Commerce. He stated if funding that is diverted to the Chamber of Commerce accentuates the chamber's mission of servicing established area businesses, then this is an issue for the county. He also expressed concerns that Goochland County has received a fair amount of investment as a result of the partnership's effort, yet is not a paying member of the partnership. He stated, although West Creek is a great location in Goochland County, he does not believe Chesterfield should help pay for marketing efforts of that development.

Mr. Miller stated Mayor Wilder has discussed the possibility of the City of Richmond withdrawing from the partnership. He suggested that the impact of Richmond withdrawing be factored into discussions and negotiations regarding the county's continuance in the partnership.

Mr. Ramsey stated the Mayor's budget has recommended that the city not fund a number of regional initiatives that the county has been involved in. He further stated funding will not be provided by the county to any of our regional initiatives until the city has made its funding decisions.

He stated, if Richmond chooses not to participate in various initiatives, staff will return to the Board for decisions regarding regional expenditures.

Discussion ensued relative to the funding formula for reallocation of real estate tax revenues.

In response to Mr. Barber's question, Dr. Cannaday stated the school budget was adopted prior to the increase in re-evaluations of property assessments. He stated, although the school budget is balanced, there is still a list of unmet school needs. He noted the School Board has not taken any official action on the impact of reallocation of \$1.2 million in real estate tax revenues.

In response to Mr. Warren's question, Dr. Cannaday stated the school budget reflects a total of approximately \$21 million in new state, local and federal funds in FY2006, compared to the FY2005 revised budget.

Mr. King stated he has had conversations with School Board members relative to decreasing the real estate tax rate. He further stated he is comforted by the fact that the school budget was adopted without factoring in assessment re-evaluations. He stated he supports the real estate tax reduction and believes the Board owes it to the citizens, given the increase in assessments.

Mr. Barber thanked Ms. Dickson for the presentation.

8.A.7. TO CONSIDER THE FY2006 BIENNIAL FINANCIAL PLAN

Ms. Dickson stated the Board held a public hearing on March 23, 2005 to consider the proposed Amended FY2006 Biennial Financial Plan. She further stated staff recommends adoption of the Plan with changes as presented, which includes setting a public hearing to consider amendments to the ordinance relative to tax relief for the elderly.

Mr. Miller made a motion for the Board to adopt the FY2006 Biennial Financial Plan, with revisions as approved, with the understanding that the one-cent real estate tax decrease takes effect January 1, 2006. He noted if the revenues are available to provide more than a one-cent reduction, then he would support an additional reduction.

Mr. King seconded Mr. Miller's motion.

Mr. Barber stated he plans to support the entire package. He expressed concerns that enhanced pay for public safety personnel in Henrico could result in issues relating to attracting and keeping good employees in the county. He stated that, because the school budget is balanced, he believes it is the right time to reduce the real estate tax rate. He further stated he is very enthusiastic about endorsing a proposal for additional tax relief for the elderly and disabled.

Mr. Barber then called for a vote on the motion of Mr. Miller, seconded by Mr. King, for the Board to adopt the Amended FY2006 Biennial Financial Plan, with revisions as approved.

And, further, the Board set the date of June 22, 2005 at 7:00 p.m. for a public hearing for the Board to consider amendments to the ordinance relative to tax relief for the elderly.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. BUDGET ITEMS

8.A.1. TO CONSIDER PROPOSED ORDINANCE AMENDMENTS RELATING TO DEPARTMENT OF UTILITIES FEE CHANGES

Ms. Dickson stated the Board held a public hearing on March 23, 2005 to consider ordinance amendments relating to Utilities fee changes. She further stated staff recommends adoption of the proposed ordinance.

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTIONS 18-22 AND 18-27 RELATING TO WATER AND SEWER CONNECTION FEES AND UTILITY CHARGES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 18-22 and 18-27 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 18-22. Connection fees.

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(c) The meter and water service line installation charge shall be:

(1) For installing water service lines:

5/8"	\$ 777.00
1"	981.00
1 1/2"	1,641.00
2"	1,836.00

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Sec. 18-27. Utility charges.

Effective July 1, 2005, the consumer shall pay charges for utility service in accordance with the following schedules:

(a) *Monthly service charges.* The monthly service charge shall be:

(1) *Customer cost charge.* A customer cost charge of \$1.50 for each service account. However, customers who have only a water account or a wastewater account shall pay a customer cost charge of \$3.00.

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(3) *Capacity cost charge.*

				Monthly Capacity Charge	
	Customer Class	Meter Size (inches)	Number of ERU's per Unit	Water	Wastewater
(i)	Dwelling, single-family, including townhouses and mobile homes that are not located in a mobile home park	5/8	1.00	\$2.15	\$7.00
(ii)	Dwelling, two-family (per unit)	5/8	1.00	2.15	7.00
(iii)	Mobile homes that are located in a mobile home park and multiple-family dwellings other than multiple-family dwellings used exclusively as housing for colleges or universities (per unit)		0.85	1.85	5.95
(iv)	All other customer classes	5/8 and 3/4	1.00	2.15	7.00
		1	2.50	5.40	17.50
		1 1/2	5.00	10.75	35.00
		2	8.00	17.20	56.00
		3	16.00	34.40	112.00
		4	25.00	53.75	175.00
		6	50.00	107.50	350.00
		8	80.00	172.00	560.00
		10	115.00	247.25	805.00
		12	155.00	333.25	1,085.00
(v)	The capacity cost charge for a dwelling that is served by a meter that is larger than five-eighths inch shall be the capacity cost charge in subsection (a)(3)(iv).				

(b) *Ancillary charges.*

	Type	Charge
(1)	Portable water meter deposit	\$750.00
(2)	Bacteriological test for new construction	21.50 per test
(3)	Meter testing charges:	
	(i) 5/8-inch	30.00
	(ii) 1-inch	30.00
	(iii) 1 1/2-inch	40.00
	(iv) 2-inch	40.00
	(v) Meters that are larger than two inches will be charged the actual cost of the test.	

(4)	Temporary voluntary meter disconnection fee	Customer cost charge plus capacity costs charge for each billing period of disconnection, plus service reconnection fee.
(5)	Strong waste surcharge	(See section 18-107.)
(6)	Septage dumping charge	\$25.00 per 1,000 gallons

(2) That this ordinance shall become effective July 1, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.A.2. TO CONSIDER PROPOSED ORDINANCE AMENDMENTS RELATING TO FEES FOR COLLECTING DELINQUENT TAXES

Ms. Dickson stated the Board held a public hearing on March 23, 2005 to consider ordinance amendments relating to fees for collecting delinquent taxes. She further stated staff recommends adoption of the proposed ordinance.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 9-5 RELATING TO
FEES FOR COLLECTING DELINQUENT TAXES OR OTHER CHARGES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 9-5 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 9-5. Fee imposed for collecting delinquent taxes or other charges.

Any person who fails to pay taxes or other charges to the county when due shall be charged a delinquent collection fee. The delinquent collection fee shall consist of administrative costs, attorney's fees, and collection agency fees.

Administrative costs shall be:

- (1) Thirty dollars (\$30.00) if the treasurer collects subsequent to 30 or more days after notice of delinquent taxes or other delinquent charges, but prior to judgment; and
- (2) Thirty dollars (\$30.00) if the treasurer collects the taxes or other charges after judgment.

Attorney's fees and collection agency fees shall not exceed 20 percent of the taxes or other charges collected.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.A.3. TO CONSIDER PROPOSED ORDINANCE AMENDMENT RELATING TO MOTOR VEHICLES OWNED BY MEMBERS OF VOLUNTEER RESCUE SQUADS, MEMBERS OF VOLUNTEER FIRE DEPARTMENTS, AND AUXILIARY POLICE OFFICERS

Ms. Dickson stated the Board held a public hearing on March 23, 2005 to consider an ordinance amendment relating to motor vehicles owned by members of volunteer rescue squads, members of volunteer fire departments, and auxiliary police officers. She further stated staff recommends adoption of the proposed ordinance.

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTIONS 9-57 AND 13-51 RELATING TO MOTOR VEHICLES OWNED BY MEMBERS OF VOLUNTEER RESCUE SQUADS, MEMBERS OF VOLUNTEER FIRE DEPARTMENTS AND AUXILIARY POLICE OFFICERS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 9-57 and 13-51 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 9-57. Motor vehicles owned by members of volunteer rescue squads, members of volunteer fire departments and auxiliary police officers.

(a) Motor vehicles (i) owned by members or auxiliary members of a volunteer rescue squad or volunteer fire department or persons appointed to serve as auxiliary police officers pursuant to Code of Virginia, § 15.2-1731 or (ii) leased by members or auxiliary members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax or the motor vehicle hereby constitute a separate classification for tangible personal property taxation, subject to the standards, conditions and requirements provided in this section.

(b) For any tax year, only one motor vehicle per owner may be separately classified pursuant to subsection (a); however, if a volunteer rescue squad or fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications.

(c) To qualify for separate classification under this section, the motor vehicle must:

- (1) Be owned or leased by a member or auxiliary member of a volunteer rescue squad or volunteer fire department or owned by a person appointed to serve as an auxiliary police officer pursuant to Code of Virginia, § 15.2-1731;
- (2) Be used regularly by the member to respond to rescue squad, fire department or police department emergency calls or used by a member who regularly performs other duties for the rescue squad, fire department or police department; and
- (3) Be used for such calls or to perform such other duties more often than any other motor vehicle owned by the member.

(d) Any member or auxiliary member of a volunteer rescue squad or volunteer fire department or person appointed to serve as an auxiliary police officer pursuant to Code of Virginia, § 15.2-1731, who seeks to have a motor vehicle separately classified for a tax year under this section must, prior to January 31 of the tax year, furnish the commissioner of the revenue with a certification, signed under oath by the fire chief or head of the member's volunteer organization or department stating that:

- (1) The member is a member of the organization or department;
- (2) The member regularly responded to emergency calls received by the organization or department or regularly performed other duties for the organization or department during the previous calendar year;
- (3) The motor vehicle for which a separate classification is sought was regularly used to respond to such calls or to perform such other duties; and
- (4) Such motor vehicle was used for such calls more often than any other vehicle owned by the member.

(e) Any member or auxiliary member of a volunteer rescue squad or volunteer fire department or person appointed to serve as an auxiliary police officer may replace a motor vehicle certified pursuant to this section as of January 31 of the current tax year at the time that the certified vehicle is sold or transferred.

(f) Notwithstanding the January 31 deadline provided by subsections (d) and (e), the commissioner of revenue shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after January 31.

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Sec. 13-51. Required; exceptions.

(a) A license tax is hereby imposed upon every motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county.

(b) The provisions of this article shall not apply to the following:

- (1) Any vehicle exempted by the provisions of Code of Virginia, §§ 46.2-663--46.2-683, as amended, and Code of Virginia, § 46.2-755, as amended;
 - (2) Any vehicle licensed pursuant to Code of Virginia, § 46.2-750, as amended; or,
 - (3) Any vehicle otherwise exempted by state law.
- (c) A county license will be issued free of charge to:
- (1) Vehicles owned by a volunteer rescue squad;
 - (2) Vehicles owned by a volunteer fire department;
 - (3) Vehicles owned or leased by a volunteer police chaplain. However, only one vehicle owned by the chaplain may qualify for the exemption provided by this subsection;
 - (4) Any vehicle displaying special permanent plates as approved and issued by the department of motor vehicles pursuant to Code of Virginia, § 46.2-739, as amended, to veterans with service-connected disabilities; and
 - (5) Vehicles owned or leased by an active member or active auxiliary member of a volunteer rescue squad, a volunteer fire department, or an auxiliary police unit; provided that the member submits to the treasurer a certification, signed under oath by the chief or head of the member's volunteer organization, certifying the member's active membership for the six-month period prior to obtaining a license. However, only one vehicle owned by the member may qualify for the exemption provided by this subsection.

(2) That this ordinance shall become effective January 1, 2006.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.A.4. TO CONSIDER AN ORDINANCE ESTABLISHING THE ANNUAL TAX LEVY ON VARIOUS CLASSES OF REAL ESTATE AND PERSONAL PROPERTY

Ms. Dickson stated the Board held a public hearing on March 23, 2005 to consider an ordinance establishing the annual tax levy on various classes of real estate and personal property. She further stated the ordinance includes a new category for specially equipped vehicles to provide transportation for physically handicapped and disabled. She clarified that the ordinance sets the January 2005 real estate tax rate at \$1.07, and noted the budget is set up to accommodate a one cent real estate tax reduction in January 2006.

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO ESTABLISH THE ANNUAL TAX LEVY
ON VARIOUS CLASSES OF PROPERTY FOR THE
COUNTY OF CHESTERFIELD

BE IT ORDAINED by the Board of Supervisors of the County of Chesterfield that for the year beginning on the first day of January, 2005, and ending on the thirty-first day of December, 2005, the taxes on property in all the Magisterial Districts of the County of Chesterfield shall be as follows:

Sec. 1. Real Property and Mobile Homes.

On tracts of land, lots or improvements thereon and on mobile homes the tax shall be \$1.07 on every \$100 of assessed value thereof.

Sec. 2. Personal Property.

(a) On automobiles, trailers, boats, boat trailers, other motor vehicles and on all tangible personal property used or held in connection with any mining, manufacturing or other business, trade, occupation or profession, including furnishings, furniture and appliances in rental units, the tax shall be \$3.60 on every \$100 of the assessed value thereof.

(b) On aircraft as defined by Section 58.1-3503 and -3506 of the Code of Virginia, 1950, as amended, the tax shall be \$.50 on every \$100 of the assessed value thereof.

(c) On motor vehicles owned or leased by members of volunteer rescue squads, volunteer fire departments, volunteer police chaplains and by auxiliary police officers as provided in Section 9-57, Code of the County of Chesterfield, 1997, as amended, the tax shall be \$.96 on every \$100 of the assessed value thereof.

(d) On wild or exotic animals as defined by Section 58.1-3506 of the Code of Virginia, 1950, as amended, the tax shall be \$0.01 on every \$100 of the assessed value thereof.

(e) On motor vehicles which use clean special fuels as defined in Section 58.1-2101 of the Code of Virginia, 1950, as amended, the tax shall be \$3.24 on every \$100 of the assessed value thereof.

(f) On motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce, the tax shall be \$.96 on every \$100 of the assessed value thereof.

(g) On motor vehicles which are specially equipped to provide transportation for physically handicapped individuals, the tax shall be \$.01 on every \$100 of the assessed value thereof.

Sec. 3. Public Service Corporation Property.

(a) On that portion of real estate and tangible personal property of public service corporations which has been equalized as provided in Section 58.1-2604 of the Code

of Virginia, 1950, as amended, the tax shall be \$1.07 on every \$100 of the assessed value thereof determined by the State Corporation Commission.

(b) The foregoing subsections to the contrary notwithstanding, on automobiles and trucks belonging to such public service corporations the tax shall be \$3.60 on every \$100 of assessed value thereof.

Sec. 4. Machinery and Tools.

On machinery and tools used in a manufacturing or mining business the tax shall be \$1.00 on every \$100 assessed value thereof.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.A.5. TO CONSIDER THE FY2006-2011 CAPITAL IMPROVEMENT PROGRAM AND REVISIONS TO 2005 CAPITAL IMPROVEMENT PROGRAM

Ms. Dickson stated the Board held a public hearing on March 23, 2005 to consider the proposed FY2006-2011 Capital Improvement Program (CIP). She further stated staff is requesting that the CIP, with changes as presented during the work session, including revisions to the 2005 Capital Improvement Program, be approved.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved the FY2006-2011 Capital Improvement Program, as amended.

And, further, the Board approved revisions to the 2005 Capital Improvement Program.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.A.6. TO CONSIDER THE FY2006 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ANNUAL PLAN

Ms. Dickson stated the Board held a public hearing on March 23, 2005 to consider the proposed FY2006 Community Development Block Grant (CDBG) and HOME Investment Partnership Annual Plan. She further stated staff recommends adoption of the Plan.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board adopted the county's FY2006 Community Development Block Grant and HOME Investment Partnership Annual Plan.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

8.A.8. ADOPTION OF A RESOLUTION APPROPRIATING FUNDS FOR FISCAL YEAR 2006

Ms. Dickson stated staff is requesting that the Board adopt the resolution appropriating funds for FY2006.

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following resolution:

A RESOLUTION TO APPROPRIATE DESIGNATED FUNDS AND ACCOUNTS FROM DESIGNATED ESTIMATED REVENUES FOR FY2006 FOR FISCAL PLANNING PURPOSES FOR THE OPERATING BUDGET AND THE CAPITAL IMPROVEMENTS PROGRAM FOR THE COUNTY OF CHESTERFIELD, VIRGINIA

BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Chesterfield:

That for the fiscal year beginning on the first day of July 2005 and ending on the thirtieth day of June 2006, the following sections shall be adopted:

Sec. 1 The following designated funds and accounts shall be appropriated from the designated estimated revenues to operate and to provide a capital improvement program for the county. It is the intent of the Board of Supervisors that general property taxes levied on January 1, 2005 and due December 5, 2005 be appropriated for FY2006.

Sec. 2 Appropriations in addition to those contained in the general appropriation resolution may be made by the Board only if there is available in the fund an unencumbered and unappropriated sum sufficient to meet such appropriations.

<u>General Fund</u>	<u>FY06 Amended</u>
<i>Estimated Revenue:</i>	
From Local Sources:	
General Property Taxes	\$294,962,100
Other Local Taxes	85,839,500
Licenses, Permits, Fees	9,682,600
Fines, Forfeitures and Uses of Money & Property	3,374,100
Service Charges	27,195,500
Miscellaneous and Recovered Costs	8,714,300
From Other Agencies:	
State and Federal	\$125,683,200
Other Financing Sources:	
Reserves	\$6,724,400
Transfer from General Fund	120,500
Transfer from County Capital Projects	230,700
Transfer from Vehicle & Communications	5,800
Maintenance Fund	
Transfer from Water Improvement, Replacement & Extension Fund	1,300
Transfer from Water Operating Fund	1,214,500
Transfer from Wastewater Operating Fund	1,300
Anticipated Fund Balance 7/1/05	<u>40,898,800</u>
Total Revenues	\$604,648,600
<i>Appropriations:</i>	
General Government	\$36,984,700
Administration of Justice	6,555,300
Public Safety	116,954,400
Public Works	15,812,100
Health and Welfare	50,448,500
Parks, Rec., Cultural	18,206,500
Community Development	11,763,100
Debt Service	20,070,800
Operating Transfers	282,170,900

Reserves	3,783,500
Ending Fund Balance, 6/30/2005*	<u>41,898,800</u>
Total General Fund:	\$604,648,600

*This includes encumbrances carried forward in all funds not to exceed \$15 million. (See "**Section 5**")

Comprehensive Services Fund

<i>Estimated Revenue:</i>	Reimbursement, Colonial Heights	\$200,600
	State Aid, Comprehensive Services	5,345,900
	State, Miscellaneous	120,000
	Transfer from Social Services	445,200
	Transfer from Schools	1,187,200
	Transfer from General Fund	<u>1,759,600</u>
	Total Revenue	\$9,058,500
<i>Appropriations:</i>	Operating Expenses	<u>\$9,058,500</u>
	Total Appropriations	\$9,058,500

School Operating Fund

<i>Estimated Revenue:</i>	Local Sources	\$15,976,000
	State	190,200,800
	Federal	23,243,100
	Use of Reserve	905,900
	Transfer from School Operating	592,000
	Transfer from School Food Service	705,000
	Transfer from General Fund:	
	State Sales Tax	46,170,600
	Local Taxes	206,014,300
	Grounds Maintenance	<u>1,627,000</u>
	Total General Fund	\$253,811,900
	Beginning Balance	<u>1,000,000</u>
	Total Revenues, Transfers & Reserves	\$486,434,700
<i>Appropriations:</i>	Instruction	340,114,881
	Administration / Attendance & Health	18,346,381
	Pupil Transportation	20,688,858
	Operations & Maintenance	48,122,880
	Debt Service	41,233,700
	Food Service	16,301,000
	Grounds Maintenance	1,627,000
	Total Appropriations	\$486,434,700

School Capital Projects Fund

<i>Estimated Revenue:</i>	Bond Proceeds	\$50,390,000
	Proffered Funds	3,125,800
	State Construction Allocation	821,500
	Reimbursement for Services	569,000
	Transfer from Food Services	415,000
	Total Revenue	\$55,321,300
<i>Appropriations:</i>	Transfer to School Operating Fund:	
	School Projects	\$54,752,300
	CIP Management	<u>569,000</u>
	Total Appropriations	\$55,321,300

Schools - Appomattox Regional Governor's School Fund

<i>Estimated Revenue:</i>	Local Sources	\$2,215,600
	State	792,200
	Federal	500,000
	Transfer from Operating	<u>5,200</u>
	Total Revenues	\$3,513,000
	Beginning Fund Balance	<u>\$50,000</u>
	Total Revenues, Transfers and Reserves	\$3,563,000
<i>Appropriations</i>	Education	\$3,557,800
	Transfer to Grants	<u>\$5,200</u>
	Total Appropriations	\$3,563,000

**County Grants
Fund:**

<i>Estimated Revenue:</i>	From Other Governments	\$7,591,800
	From the General Fund	<u>1,888,600</u>
	Total Revenue	\$9,480,400
<i>Appropriations:</i>	Commonwealth Attorney - Drug Court	\$908,800
	Community Corrections Services:	
	Domestic Violence Resource Center	81,300
	Options	64,000
	Pretrial	407,500
	Post Trial	1,551,600
	Community Development Block Grant	2,026,000
	Community Services Board Part C Grant	484,200
	Domestic Violence Prosecutor	86,200
	Domestic Violence Victim Advocate (V-STOP)	38,400
	Edward Byrne Memorial Justice Assistance Grant	105,700
	Families First	346,300
	Federal Day Care Grant	30,000
	Juvenile Drug Court Grant	207,500
	Litter Grant	26,000
	Police - Domestic Violence Coordinator	49,500
	Police - School Resource Officers	87,000
	Police - COPS/Universal Hiring Practices Grant	966,000
	Project Exile Grant (Commonwealth's Attorney)	127,500
	Terrorism Coordinator Grant	59,100
	USDA Juvenile Detention Grant	40,000
	Victim/Witness Assistance	420,500
	VJCCCA	<u>1,367,300</u>
	Total Appropriations	\$9,480,400

County CIP Fund

<i>Estimated Revenue:</i>	General Obligation Bonds	4,958,500
	Transfer from General Fund	9,671,300
	Transfer from Cash Proffers	1,124,000
	State Grants/Reimbursements	<u>425,000</u>
	Total Revenue	\$16,178,800
<i>Appropriations:</i>	County Capital Projects	<u>\$16,178,800</u>
	Total County CIP Funds	\$16,178,800

County Maintenance Projects Fund

<i>Estimated Revenue:</i>	Transfer from General fund	\$1,200,000
	General Obligation Bonds	<u>\$11,300,000</u>
	Total Revenue	\$12,500,000

<i>Appropriations:</i>	County Maintenance Projects	<u>\$12,500,000</u>
	Total County Maintenance Projects	\$12,500,000

Cash Proffer Fund

<i>Estimated Revenue:</i>	Cash Proffers	<u>\$1,299,000</u>
	Total Revenues	\$1,299,000

<i>Appropriations:</i>	Reimbursement	\$175,000
	Transfer to County Capital Projects Fund	<u>1,124,000</u>
	Total Appropriations	\$1,299,000

Vehicle and Communications Maintenance

<i>Estimated Revenue:</i>	Fleet Management Charges	\$11,097,800
	Radio Shop Charges	<u>1,797,800</u>
	Total Revenue	\$12,895,600

<i>Appropriations:</i>	Fleet Management Charges	\$11,097,800
	Radio Shop Charges	<u>1,797,800</u>
	Total Appropriations	\$12,895,600

Capital Projects Management Fund

<i>Estimated Revenue:</i>	Reimbursement for Services	<u>\$573,300</u>
	Total Revenue	\$573,300

<i>Appropriations:</i>	Construction Management Operations	<u>\$573,300</u>
	Total Appropriations	\$573,300

Risk Management Fund

<i>Estimated Revenue:</i>	Operating Revenues	\$5,558,600
	Interest Earnings	0
	Beginning Retained Earnings	<u>200,000</u>
	Total Revenue	\$5,758,600

<i>Appropriations:</i>	Risk Management Operations	\$5,558,600
	Ending Retained Earnings	<u>200,000</u>
	Total Appropriations	\$5,758,600

Airport Fund

<i>Estimated Revenue:</i>	Operating Revenue	<u>\$650,400</u>
	Total Revenue	\$650,400

<i>Appropriations:</i>	Airport Operations	<u>\$650,400</u>
	Total Appropriations	\$650,400

Airport Capital Fund

<i>Estimated Revenue:</i>	Federal Grant	\$1,516,500
	State Grant	<u>\$134,800</u>
	Total Revenue	\$1,651,300

<i>Appropriations:</i>	Airport Improvements	<u>\$1,651,300</u>
	Total Appropriations	\$1,651,300

Utilities Fund

<i>Estimated Revenue:</i>	Service Charges	\$47,180,000
	Capital Cost Recovery Charges	12,563,000
	Hydrant/Fire Protection	1,214,500
	Transfer from General Fund	0
	Used from Water/Wastewater Improvement Replacement Fund	0
	Other Revenue	7,233,900
	Anticipated Future Revenue	<u>12,556,700</u>
	Total Revenue	\$80,748,100

<i>Appropriations:</i>	Operations	\$40,813,200
	Debt Service	7,900,300
	Transfer to County Capital Projects	0
	Transfer to Capital Projects	30,437,000
	Payment in Lieu of Taxes	1,214,500
	Transfer to Water Improvement Replacement Fund	<u>383,100</u>
	Total Appropriations	\$80,748,100

Utilities Capital Project Funds

<i>Estimated Revenue:</i>	Transfer from Water/Wastewater Operating Fund	\$30,437,000
	Anticipated Future Revenues	<u>0</u>
	Total Revenue	\$30,437,000

<i>Appropriations:</i>	Capital Projects	<u>\$30,437,000</u>
	Total Appropriations	\$30,437,000

Sec. 3 The County Administrator may, as provided herein, except as set forth in Sections 7, 12, 13, 15, 16, 17 and 19, authorize the transfer of any unencumbered balance or portion thereof from one classification of expenditure to another within the same department or appropriation category. The County Administrator may transfer up to \$50,000 from the unencumbered appropriated balance of one appropriation category to another appropriation category. No more than one transfer may be made for the same item causing the need for a transfer, unless the total amount to be transferred for the item does not exceed \$50,000.

Sec. 4 The County Administrator may increase appropriations for non-budgeted revenue that may occur during the fiscal year as follows:

- a) Insurance recoveries received for damage to any county property, including vehicles, for which County funds have been expended to make repairs.

- b) Refunds or reimbursements made to the county for which the county has expended funds directly related to that refund or reimbursement.
- c) Revenue not to exceed \$50,000.

Sec. 5 All outstanding encumbrances, both operating and capital, in all county funds up to \$15 million, at June 30, 2005 shall be an amendment to the adopted budget and shall be reappropriated to the 2005-2006 fiscal year to the same department and account for which they were encumbered in the previous year. At the close of the fiscal year, all unencumbered appropriations lapse for budget items other than: capital projects; general fund transfers for capital projects and grants; District Improvement Funds; construction reserve for capital projects; reserves; refunds for off-site and oversized water and wastewater facilities; federal and state grants, other revenue and program income; Title IV-E funds; cash proffers; Economic Development incentive funds; actual transient occupancy tax revenues received and budgeted expenditures in connection with the Richmond Convention Center; donations restricted to specific purposes; and reserves for county and school future capital projects.

Sec. 6 Appropriations designated for capital projects will not lapse at the end of the fiscal year. The County Administrator may approve transfers between funds to enable the capital projects to be accounted for correctly. Upon completion of a capital project, staff is authorized to close out the project and transfer any remaining balances to the original funding source. The County Administrator may approve construction contract change orders up to an increase of \$49,999 and approve all change orders for reductions to contracts. The Board of Supervisors must approve all change orders of \$50,000 or more or when the aggregate of all changes to a contract exceeds 10% of the original contract amount (or 20% if the contract is for less than \$500,000).

Sec. 7 The County Administrator may authorize the transfer of Utilities capital projects funds that are either 20% or up to \$100,000 of the original project cost, whichever is less, from any Utilities capital project to any other Utilities capital project. Should the actual contract price for a project be less than the appropriation, the County Administrator may approve the transfer of excess funds upon completion of the project.

Sec. 8 Upon completion of a grant project, the County Administrator is authorized to close the grant and transfer balances back to the funding source. The County Administrator is authorized to reprogram Community Development Block Grant funds by closing program cost centers and transferring funding to newly approved programs based on adoption by the Board of Supervisors.

Sec. 9 The County Administrator may reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the federal government to the level approved by the responsible state or federal agency.

- Sec. 10 The Director of Accounting is authorized to make transfers to various funds for which there are transfers budgeted. The Director shall transfer funds only as needed up to amounts budgeted, or in accordance with any existing bond resolutions that specify the manner in which transfers are to be made.
- Sec. 11 The Treasurer may advance monies to and from the various funds of the county to allow maximum cash flow efficiency. The advances must not violate county bond covenants or other legal restrictions that would prohibit such an advance. The Treasurer may also advance cash in support of employee benefit accounts.
- Sec. 12 The County Administrator is authorized to make expenditures from Trust & Agency Funds for the specified reasons for which the funds were established. In no case shall the expenditure exceed the available balance in the fund.
- Sec. 13 The County Administrator is authorized to transfer among appropriation categories and/or appropriate funds in excess of \$50,000 for supplemental retirement, Worker's Compensation, healthcare for retirees, and other compensation costs.
- Sec. 14 The portion of the reserve for capital projects related to the school budget will be designated for school projects in the general fund.
- Sec. 15 The County Administrator may appropriate revenues and increase expenditures in excess of \$50,000 for funds received by the county from asset forfeitures for expenditures related to drug enforcement or other allowable expenditures. The balance of these funds shall not lapse but be carried forward into the next fiscal year.
- Sec. 16 The County Administrator may increase the general fund appropriation in the School Operating Fund contingent upon availability of funds and other circumstances, based on the following schedule:
- a) Increase general fund transfer/appropriation on December 15 by \$2,000,000.
 - b) Increase general fund transfer/appropriation on February 15 by \$2,000,000.
 - c) Increase general fund transfer/appropriation on May 05 by \$2,000,000.
- Sec. 17 The County Administrator is authorized to reallocate funding sources for capital projects, arbitrage rebates/penalties, and debt service payments and to appropriate bond interest earnings to minimize arbitrage rebates/penalties. This authority would include the appropriation of transfers among funds to accomplish such reallocations. Budgets for specific capital projects will not be increased beyond the level authorized by Sections 3 and 4.
- Sec. 18 Salaries for Planning Commissioners will be increased equivalent to the increase given to all county employees. The effective date for pay increases, including the Planning Commission and the Board of Supervisors, may cross fiscal years. Increases will be effective on the first day of the pay period that includes July 01.

Sec. 19 The County Administrator is authorized to approve transfers among funds and capital projects as long as total net appropriation is not increased.

Sec. 20 Beginning with the FY97 budget and effective upon adoption of this resolution, the Utilities Department rate stabilization reserve shall be created and maintained as per guidelines outlined below:

- a) The minimum annual contribution to the reserve will be 50% of the previous year's depreciation on fixed assets.
- b) The annual contribution to the reserve will continue until 100% of accumulated depreciation on the fixed assets is funded. If at the beginning of a fiscal year a reserve balance exceeds 100% of accumulated depreciation, a reduction in the annual contribution may be considered.
- c) Funds cannot be used from the rate stabilization reserve if the balance falls below 25% of that utility's fixed asset accumulated depreciation, other than for Utility internal borrowing purposes.
- d) The declaration of a financial emergency by the Director of Utilities and a corresponding four-fifths vote by the Board of Supervisors at a publicly advertised meeting declaring the existence of such an emergency is required to suspend Sec. 20 a, Sec. 20 b, and Sec. 20 c.

Sec. 21 Upon adoption of this resolution, the School Board and/or the School Superintendent may make expenditure changes within the school appropriations as follows:

- a) Transfers of \$50,000 or less are subject to the approval of the Superintendent.
- b) Transfers of \$50,001 to \$499,999 require the approval of the Superintendent and the School Board.
- c) Transfers of \$500,000 or more require the approval of the Superintendent, the School Board, and the Board of Supervisors.

The School Board and/or the School Superintendent shall prepare a budget status report reflecting changes to the approved school budget between appropriation categories, as amended, and the report shall be presented to the County Administrator quarterly.

Sec. 22 The County Administrator is authorized to reclassify budgeted revenues to reflect implementation of the state's Personal Property Tax Relief Act reimbursement.

Sec. 23 The County Administrator is authorized to reduce a department's current year budget appropriation by a dollar amount equal to the prior year's overspending inclusive of encumbrances carried forward.

Sec. 24 Staff is authorized to make changes to FY2006 appropriations, including consolidating, separating

or re-classifying appropriations in connection with the county's new financial system and its functionality. This section will not apply after FY2006.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Ramsey commended the tremendous efforts of Ms. Dickson, Budget staff, Dr. Cannaday and his staff, the School Board and the Board of Supervisors in putting together the FY2006 budget.

Mr. Miller stated the budget is always an agonizing process, and he appreciates both Ms. Dickson and Mr. Ramsey's efforts.

Mr. Barber thanked Dr. Schroeder, Dr. Cannaday and Ms. Kitchen for being present today.

Mr. Miller excused himself from the meeting.

8.B. CONSENT ITEMS

8.B.1. CONSIDERATION TO ALLOCATE FUNDS FROM THE UTILITY INDUCEMENT FUND

8.B.1.a. FOR EXTENDING AND UPGRADING A PUBLIC WATER LINE TO ACCOMMODATE AT LEAST FOUR NEW COMPANIES WANTING TO LOCATE IN THE CLOVERHILL INDUSTRIAL PARK ON WARBRO ROAD

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved the use of Utility Inducement Funds, not to exceed \$80,000, to design, install and expand a public water line for the industrial property at Warbro Road to accommodate at least four new companies wanting to locate in the Cloverhill Industrial Park.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.1.b. FOR EXTENDING AND UPGRADING A PUBLIC WASTEWATER LINE TO ACCOMMODATE A NEW COMPANY, ATLANTIC CONSTRUCTORS, LLC LOCATING IN THE JAMES RIVER INDUSTRIAL CENTER ON BATTERY BROOKE PARKWAY

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved the use of Utility Inducement Funds, not to exceed \$133,000, to design, install and expand a public wastewater line for the industrial property at Battery Brooke Parkway to accommodate a new company, Atlantic Constructors, LLC locating in the James River Industrial Center.

And, further, the Board waived the requirement to post a performance bond and the requirement that the county's share of the total cost does not exceed 75 percent.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

**8.B.2. APPROPRIATION OF REVENUE AND EXPENDITURES FOR THE
COMMUNITY SERVICES BOARD TO ESTABLISH ONE FULL TIME
POSITION IN THEIR PHARMACY AREA**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board appropriated \$120,193 in revenue and expenditures for the Community Services Board, and established one full time position for the Community Services Board in their pharmacy area.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

**8.B.3. APPROVAL OF FY2005 SCHOOL BOARD GRANT MID-YEAR
REVISIONS**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board increased the FY2005 School Grants Fund instruction appropriation category by \$60,315 and increased the FY2005 School Grants Fund pupil transportation appropriation category by \$26,500 for a total change to the School Grants Fund of \$86,815.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.4. SET PUBLIC HEARING DATES

**8.B.4.a. TO CONSIDER AMENDING THE COUNTY'S EMERGENCY
RESPONSE COST RECOVERY ORDINANCE TO ELIMINATE THE
PROVISION RELATING TO DRIVING WITHOUT A LICENSE
OR DRIVING WITH A SUSPENDED OR REVOKED LICENSE**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board set the date of April 27, 2005 at 7:00 p.m. for a public hearing for the Board to consider revisions to the county's emergency response cost recovery ordinance to eliminate the provision which allows the county to recover its reasonable costs incurred for incidents relating to driving without a license or driving with a suspended or revoked license.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

**8.B.4.b. TO CONSIDER AN ORDINANCE DIVIDING DEER RUN VOTING
PRECINCT IN MATOACA DISTRICT INTO TWO PRECINCTS AND
CHANGING THE POLLING PLACE FOR WINTERPOCK VOTING
PRECINCT IN MATOACA DISTRICT**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board set the date of May 25, 2005 at 7:00 p.m. for a public hearing for the Board to consider an ordinance dividing Deer Run Voting Precinct in Matoaca District into two precincts and changing the Polling Place for Winterpock Voting Precinct in Matoaca District.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

**8.B.4.c. TO CONSIDER THE APPROPRIATION OF FUNDS RECEIVED
FROM THE DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
AND AUTHORIZATION TO EXECUTE RELATED DOCUMENTS**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board set the date of April 27, 2005 at 7:00 p.m. for a public hearing for the Board to consider the appropriation of up to \$10,709,356 from the Department of Medical Assistance Services and authorize the County Administrator to execute documents and complete the transaction.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.5. ADOPTION OF RESOLUTIONS

**8.B.5.a. CONFIRMING PROCEEDINGS OF THE CHESTERFIELD COUNTY
INDUSTRIAL DEVELOPMENT AUTHORITY FOR ISSUANCE OF
INDUSTRIAL REVENUE BONDS TO ASSIST ACI BUILDING AND
DEVELOPMENT, LLC IN ACQUIRING, CONSTRUCTING, AND
EQUIPPING AND DEVELOPMENT OF A MANUFACTURING
FACILITY OF APPROXIMATELY 132,000 SQUARE FEET TO BE
LOCATED ON 21 ACRES OF LAND ON BATTERY BROOK
PARKWAY IN CHESTERFIELD COUNTY, VIRGINIA**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, the Industrial Development Authority of the County of Chesterfield (the "Authority"), has considered the application of ACI Building & Development, LLC ("ACI"), requesting the issuance of the Authority's revenue bonds in a principal amount not to exceed \$9,100,000 (the "Bonds"). The proceeds of the Bonds will be used to assist ACI in financing the acquisition, construction, equipping and development of a manufacturing facility of approximately 132,000 square feet (the "Project"). The Project will be located in the County of Chesterfield (the "County") on approximately 21.43 acres of land on Battery Brook Parkway, near its intersection with Coach Road, contiguous with and just west of the Rehrig Manufacturing facility, and the new building will contain approximately 132,000 square feet of space. The Project will be owned by ACI and leased to its affiliated-entity, Atlantic Constructors, Inc. (the "Lessee"), for the purpose of manufacturing and processing structural and miscellaneous steel components and sheet metal duct work, piping, stairs, cat walks, etc.; and

WHEREAS, ACI is a Virginia limited liability company and the Lessee is a Virginia corporation. Both ACI and the Lessee have their principal place of business at 4500 Oakleys Lane, Richmond, Virginia 23221; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility

financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Authority issues its bonds on behalf of the County and the Project is located in the County. The Board of Supervisors of the County of Chesterfield, Virginia (the "Board") constitutes the highest elected governmental unit of the County; and

WHEREAS, following the public hearing held by the Authority on March 17, 2005, the Authority adopted a resolution (the "Inducement Resolution") in which it recommended and requested that the Board approve of the issuance of the Bonds by the Authority. A copy of the Inducement Resolution, a brief summary of the Authority's public hearing and ACI's Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$9,100,000 for the benefit of ACI, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the creditworthiness of the Project or ACI, but, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the County and the Authority, shall be pledged thereto.

3. ACI has informed the Authority that the financing arrangements and structure for the Bonds have not yet been finally determined. It is expected that the Project will be owned by ACI and leased to the Lessee. It is possible, however, that the Lessee may be substituted for ACI or may be a co-borrower. The Board agrees that the approvals and consents given for the benefit of ACI in this Resolution will also extend to the Lessee.

4. This Resolution shall take effect immediately upon its adoption.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.5.b. PUBLICLY ACKNOWLEDGING THAT THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) IS ESTABLISHED AS THE COUNTY STANDARD FOR INCIDENT MANAGEMENT

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors of Chesterfield County, Virginia, does hereby find as follows:

WHEREAS, the President of the United States of America in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all federal, state, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the county's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various county incident management activities, including current emergency management training programs and the Chesterfield Emergency Operations Plan; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors publicly acknowledges that the National Incident Management System (NIMS) is established as the County standard for incident management and formally adopts the NIMS principles and policies.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.5.c. READOPTING THE UPDATED EMERGENCY OPERATIONS PLAN WITH ANNEXES FOR CHESTERFIELD COUNTY AS REQUIRED BY THE COMMONWEALTH OF VIRGINIA EMERGENCY MANAGEMENT AND DISASTER LAW OF 1973, TITLE 44, CHAPTER 3.2, SECTION 44-146.33 THROUGH 44-146.28, CODE OF VIRGINIA

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, there exist dangers of many types including man-made disasters, natural disasters and possible hostile actions of an unknown enemy; and

WHEREAS, the safety and protection of the citizens and property are the foremost concern to the Board of Supervisors of Chesterfield County; and

WHEREAS, the revision of the Emergency Operations Plan will bring Chesterfield County compliant with the National Incident Management System, also known as NIMS; and

WHEREAS, the Board of Supervisors desires and the Commonwealth of Virginia and federal government require the adoption of appropriate planned protection measures.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Chesterfield this 13th day of April 2005 that it hereby adopts the Chesterfield County Emergency Operations Plan with annexes as written as the necessary basic plan for county emergency management.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.5.d. RECOGNIZING MRS. DEBORAH C. FRANCISCUS, POLICE DEPARTMENT, UPON HER RETIREMENT

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Mrs. Deborah C. Franciscus began her public service with Chesterfield County as Dispatcher in the Police Department on August 17, 1981 and has faithfully served the county for twenty-three years; and

WHEREAS, Mrs. Franciscus has served the Police Department in the capacity of Dispatcher, Police Aide, Sr. Clerk Typist, Secretary, and Administrative Secretary; and

WHEREAS, Mrs. Franciscus was the recipient of the 1995 Mason T. Chalkley Civilian Employee of the Year Award in recognition of her dedicated work and professionalism; and

WHEREAS, Mrs. Franciscus has received numerous letters of appreciation and thanks for the excellent customer service she has provided to her fellow employees, the citizens of Chesterfield County, and members of outside agencies who were visitors to the Eanes-Pittman Public Safety Training Center; and

WHEREAS, Mrs. Franciscus has been instrumental in the successful organization of Police Academy Graduations, the Police Retiree's picnics, and various other functions, for many years; and

WHEREAS, Mrs. Franciscus displayed excellent organizational skills while providing assistance with the Public Safety Communications System project, for which she was recognized for her "unflinching support of the project and the team members"; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Mrs. Franciscus' diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors hereby recognizes Mrs. Deborah C. Franciscus and extends on behalf of its members and the citizens of Chesterfield County appreciation for her dedicated service to the county.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mrs. Franciscus, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.5.e. RECOGNIZING APRIL 10-16, 2005 AS "NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK" IN CHESTERFIELD COUNTY

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, Emergency Communications Officers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Chesterfield County citizens depend on the skill, expertise, and commitment of these communications professionals; and

WHEREAS, Emergency Communications Officers are the single vital link for our police officers, sheriff deputies, animal control units, firefighters and emergency medical personnel by monitoring their activities by radio, providing them information and ensuring their safety; and

WHEREAS, Emergency Communications Officers of the Chesterfield Emergency Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each Emergency Communications Officer has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the week of April 10-16, 2005, as "National Public Safety Telecommunications Week"

in Chesterfield County, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.5.f. RECOGNIZING THE THIRD WEEK IN APRIL, AS "VOLUNTEER APPRECIATION WEEK" IN CHESTERFIELD COUNTY

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following resolution:

WHEREAS, volunteers contribute significantly to the quality of life in Chesterfield County, in the Commonwealth, and in the nation; and

WHEREAS, volunteering is recognized as an integral part of the government and industry in contributing to the achievements that enhance our nation; and

WHEREAS, volunteers provide the human resources for programs that strengthen our community and add to the quality of life in Chesterfield; and

WHEREAS, volunteers enrich our cultural diversity with their backgrounds, experiences and talents; and

WHEREAS, volunteers bring energy and wisdom together by bridging the gap between younger and older generations; and

WHEREAS, volunteers enable us to meet and often exceed the strategic goals of the organization, thereby increasing the quality of service provided to citizens.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the third week in April, as "Volunteer Appreciation Week" in Chesterfield County and urges all citizens to honor volunteers for their contributions to the county.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.6. ACCEPTANCE OF PARCELS OF LAND

8.B.6.a. ALONG THE EAST RIGHT OF WAY LINE OF OLD STAGE ROAD FROM WILLIAM H. PARSONS, III AND ELIZABETH D. PARSONS

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 0.035 acres along the east right of way line of Old Stage Road (State Route 732) from William H. Parsons, III and Elizabeth D. Parsons, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.6.b. ALONG THE WEST RIGHT OF WAY LINE OF IRON BRIDGE ROAD FROM SHOOSMITH BROTHERS, INCORPORATED

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 0.18 acres along the west right of way line of Iron Bridge Road (State Route 10) from Shoosmith Brothers, Incorporated, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.6.c. FOR RAMBLEWOOD DRIVE FROM PP&J PROPERTIES, LLC

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 0.619 acres for Ramblewood Drive (State Route 617) from PP&J Properties, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.6.d. ALONG THE SOUTH RIGHT OF WAY LINE OF CENTER POINTE PARKWAY FROM BON SECOURS-SAINT FRANCIS MEDICAL CENTER, INCORPORATED

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 0.081 acres along the south right of way line of Center Pointe Parkway from Bon Secours-Saint Francis Medical Center, Incorporated, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.7. APPROVAL OF CHANGE ORDER TO DANIEL AND COMPANY, INCORPORATED FOR THE REPLACEMENT OF POOR SOILS ON THE SITE OF THE POLICE EVIDENCE BUILDING

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the County Administrator to execute a change order in the amount of \$133,764 to Daniel and Company, Incorporated for the replacement of poor soils on the site of the Police Evidence Building.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.8. AWARD OF CONSTRUCTION CONTRACTS

8.B.8.a. FOR THE CHESTER ROAD WATER LINE REHABILITATION PROJECT

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board awarded a construction contract to Godsey and Company, Incorporated, in the amount of \$872,895, for County Project #03-0033, Chester Road Water Line Rehabilitation, and authorized the County Administrator to execute the necessary documents.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.8.b. FOR REPAIRS TO THE FALLING CREEK DAM

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board awarded a construction contract to United Unlimited Construction, Incorporated, in the amount of \$346,394, for County Project #05-0014, Repairs to the Falling Creek Dam, and authorized the County Administrator to execute the necessary documents.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.9. CONVEYANCE OF EASEMENTS TO VIRGINIA ELECTRIC AND POWER COMPANY FOR UNDERGROUND CABLE

8.B.9.a. TO SERVE THE ENON WATER PUMP STATION ON HAPPY HILL ROAD

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable to serve the Enon Water Pump Station at 15701 Happy Hill Road.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.9.b. TO SERVE THE NEW POLICE STORAGE BUILDING

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable to serve the new police storage building.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.10. REQUESTS FOR PERMISSION

8.B.10.a. FROM WINIFRED G. ROGERS, TRUSTEE FOR A PROPOSED ROW OF SHRUBS TO ENCROACH WITHIN A FIFTY-FOOT UNIMPROVED RIGHT OF WAY KNOWN AS APPLEWOOD LANE

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from Winifred G. Rogers, Trustee, for permission for a proposed row of shrubs to encroach within a 50-foot unimproved right of way known as Applewood Lane, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.10.b. FROM J. MAC HOMES, INCORPORATED TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON HAMLIN DRIVE

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from J. Mac Homes, Incorporated for permission to install a private sewer service within a private easement to serve property at 10618 Hamlin Drive, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.12. TRANSFER OF FUNDS AND DESIGNATION OF PROJECTS FOR THE FY2005 SUPPLEMENTAL CHESTERFIELD ROAD FUND

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board transferred \$63,810 from the General Road Improvements Account for the FY2005 Supplemental Chesterfield Road Fund.

And, further, the Board adopted the following resolution designating the FY2005 Supplemental Funds for the Newbys Bridge Road east of Qualla Road and Branders Bridge Road (Carver Heights Drive to Bradley Bridge Road) projects:

WHEREAS, Section 33.1-75.1 of the Code of Virginia permits the Commonwealth Transportation Board to make an equivalent matching allocation to any county for designations by the governing body of up to 25% or \$500,000, whichever is greater, of funds received by it during the current fiscal year pursuant to the "State and Local Fiscal Assistance Act of 1972" for use by the Commonwealth Transportation Board to construct, maintain, or improve primary and secondary highway systems within such county; and

WHEREAS, the Virginia Department of Transportation (VDOT) has notified the county that \$63,810 is the maximum amount of Chesterfield County funds that will be matched by the state as a supplemental FY05 allocation.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors has allocated \$63,810 from the General Road Improvements Account for the FY05 Supplemental Allocation Program and requests VDOT to provide an equivalent match.

AND, BE IT FURTHER RESOLVED, that the FY05 Supplemental Matched Funds be allocated for the following projects:

Newbys Bridge Road east of Qualla Road
Right-of-way and Construction
\$3,140 (\$1,570 VDOT and \$1,570 county)

Branders Bridge Road (Carver Heights Drive to
Bradley Bridge Road)
Preliminary Engineering, Right-of-way, and
Construction
\$124,480 (\$62,240 VDOT and \$62,240 county)

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.14. INITIATION OF A VARIANCE APPLICATION TO THE BOARD OF ZONING APPEALS AND APPOINT AN AGENT

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board initiated an application for a variance to the height requirement for a fence on a corner lot located at 15042 Creek Edge Place and appointed Mr. Ted Barclay, Code Compliance Supervisor, to act as agent for the Board of Supervisors.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.15. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.B.15.a. FROM THE DALE DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT 1) TO EXTEND ELECTRICAL SERVICE TO THE BASEBALL SCOREBOARD AT MEADOWBROOK HIGH SCHOOL AND 2) TO IMPROVE THE MEADOWBROOK FOOTBALL/SOCCER PRACTICE FIELD

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board transferred \$4,000 from the Dale District Improvement Fund to the Parks and Recreation Department 1) to extend electrical service to the baseball scoreboard at Meadowbrook High School, and 2) to improve the Meadowbrook football/soccer practice field.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.15.b. FROM THE DALE AND BERMUDA DISTRICT IMPROVEMENT FUNDS TO THE PARKS AND RECREATION DEPARTMENT TO CONSTRUCT A 16-FOOT BY 16-FOOT PICNIC SHELTER TO BE LOCATED AT LLOYD C. BIRD HIGH SCHOOL ATHLETIC COMPLEX

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board transferred \$3,750 each (total of \$7,500) from the Dale and Bermuda District Improvement Funds to the Parks and Recreation Department to construct a 16-foot by 16-foot picnic shelter to be located at Lloyd C. Bird High School athletic complex.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

The following items were removed from the Consent Agenda for Board discussion:

8.B.8.c. AWARD OF CONSTRUCTION CONTRACT FOR ROUTE 360 (SWIFT CREEK - WINTERPOCK ROAD) WESTBOUND LANE WIDENING PROJECT

Mrs. Humphrey stated this is one of the first efforts in alleviating an arduous traffic problem in the county.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the County Administrator to award a construction contract, up to \$3,100,000, to the lowest responsible bidder, for the Route 360 (Swift Creek - Winterpock Road) Westbound Lane Widening Project.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.13. CONSIDERATION OF AMENDMENTS TO THE CONNECTIVITY POLICY

In response to Mr. Barber's question, Mr. Turner clarified that the amendment would allow the Board to vote on the connectivity issue prior to voting on a rezoning request.

Mr. Barber, seconded by Mrs. Humphrey, the Board approved amendments to the Connectivity Policy clarifying that the policy applies to any zoning case approved after November 23, 2004 and removing the requirement that the separate vote on connectivity must be subsequent to the vote on a rezoning request.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

Mr. Miller returned to the meeting.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

O IN ACCORDANCE WITH BOARD PROCEDURES, EILEEN McAFEE, ROBIN STARR, PAT BROWN, KASEY HAMMOND, JAMIE BUCKMASTER, AND PAIGE COLLIER HAVE REQUESTED THE OPPORTUNITY TO SPEAK TO THE BOARD TO ADDRESS CONCERNS ABOUT ANIMAL TREATMENT AT THE CHESTERFIELD COUNTY ANIMAL SHELTER AND RECOMMENDED POLICY CHANGES AND IMPROVEMENTS AT THE SHELTER

Ms. Eileen McAfee, a resident of Henrico County, recognized approximately 80 to 100 individuals present at the meeting who stood in support of her concerns. She expressed concerns relative to inhumane gassing of multiple cats in the same carrier; gassing of sick, injured and elderly animals; decapitation of animals in the presence of live cats; cleaning of cages containing animals, exposing them to caustic chemicals and burns; intentionally spraying animals with high pressure water nozzles; and rampant illness at the county's animal shelter. She further expressed concerns relative to lack of training for shelter personnel and alleged falsification of State Veterinary inspection records. She requested that the Board call in the State Police to investigate the allegations to avoid any appearance of a conflict of interest and to hire either the United States Humane Society or the American Society for the Prevention of Cruelty of Animals to evaluate the facility.

In response to Mr. Miller's request for clarification, Ms. McAfee stated there are employees at the Animal shelter who have knowingly violated the law and have knowingly falsified documents.

Ms. Kasey Hammond, a resident of Chesterfield County, stated she and her husband were both faithful volunteers at the county's animal shelter before the volunteer dog-walking program ended. She expressed concerns relative to sick dogs sharing cages with healthy dogs at the shelter, as well as aggressive dogs being housed with other dogs. She stated 525 dogs were found dead at the shelter in 2003, which is the highest number in the state. She requested that the Board investigate animal neglect occurring at the county shelter and ensure that proper care and treatment is provided and that violations are not being committed.

Ms. Patricia Brown, a resident of the Clover Hill District, stated she became active in animal rescue efforts following an experience at the county's animal shelter. She provided details regarding a very ill German Shepherd that she adopted from the shelter and expressed concerns that the dog was not isolated from other dogs at the pound. She also expressed concerns relative to the uncleanness of all the animals she has rescued from the shelter, as well as the chemical burns that one of the animals had to be treated for. She stated she cannot believe Chesterfield is still using the gas chamber for euthanasia. She requested the Board's cooperation in working with rescue volunteers to make the county's animal shelter a model for others to follow.

Ms. Robin Starr, Chief Executive Officer of Richmond SPCA and a resident of the City of Richmond, expressed concerns that the number of animals received at the county's shelter and the euthanasia rate has steadily increased. She also expressed concerns relative to a lack of a progressive

spay/neuter program in the county. She stated the SPCA will provide spay/neutering services free of charge for the pets of low income residents as well as for feral cats, and will also provide the service at a discounted cost for other residents. She also expressed concerns relative to the county's continued use of the gas chamber for euthanasia and offered the SPCA's support in changing this process. She stated the Richmond SPCA would love to work with the county to reduce the number of animals being impounded and euthanized.

Mr. Ramsey stated in adopting the FY2006 budget, the Board approved the funding for changing the euthanasia method at the Animal shelter from the gas chamber to lethal injection.

In response to Mr. King's question, Ms. Starr stated the county does not have any available low-cost or no-cost spay/neuter services, and is doing nothing to counteract the constant increase in breeding of animals. She acknowledged that, although there are geographical differences between Chesterfield and Richmond, the number of animals impounded and euthanized in Richmond is decreasing as a result of massive spay/neuter services.

Mr. Warren stated he appreciates Ms. Starr's offer to provide solutions to the county's problem of increased number of animals impounded and euthanized. He suggested that the SPCA services could be provided on a regional basis.

Ms. Paige Collier, a resident of Chesterfield County, stated she was appalled by her experience at the Animal shelter. She expressed concerns relative to sick cats being housed with healthy cats; employees cleaning cages without changing gloves in between; dirty water bowls; cats laying in litter boxes because they have no beds or towels to lay on; and very sick animals being housed at the shelter. She requested that the Board eliminate the cruel, inhumane, unsanitary conditions as well as the suffering of the animals at the county's animal shelter.

Ms. Jamie Buckmaster, a resident of Chesterfield County, expressed concerns relative to shelter staff hosing down animals while confined in their cages, forcing them to lie down in water and chemicals until they dry. She also expressed concerns relative to a very sick dog she encountered at the pound and inquired why a veterinarian had not been brought in to treat it.

Mrs. Humphrey requested that Mr. Ramsey find out what the conflict of interest Ms. McAfee alluded to when she requested that the Board bring in the State Police to investigate issues at the Animal shelter.

Mr. King referred to a written opinion of the Federal Fourth Circuit Court of Appeals and asked Ms. McAfee if it was true that she admitted to removing a floor grate from a drain in the Richmond shelter and then photographed the open grate to falsify and try to depict a hazardous condition for the animals.

Ms. McAfee requested that Mr. King read the entire opinion. She stated she never removed a screen from a drain and did not admit to having done so.

Mr. King expressed concerns relative to Ms. McAfee's credibility and stated he is very proud of the accomplishments of the manager of the county's animal shelter, Ms. Alice Berry. He stated he has visited the shelter on numerous occasions, and he would never suggest that there are not infractions, as there are in hospitals, schools and other facilities.

Ms. McAfee stated she has evidence of falsification of State Veterinary Reports. She provided the Board with a notebook of documentation to review.

Mr. Barber stated the Board will review the documents provided by Ms. McAfee.

Mr. Ramsey called forward Colonel Baker to report to the Board regarding animal shelter issues.

Colonel Baker stated it is not a violation of the law to use gas for euthanasia, and noted that the Board has approved funding to change the process to lethal injection. He further stated allegations have been made relative to incidents at the animal shelter, but no one has come forward and admitted to witnessing violations. He stated the department has improved its spay/neutering efforts, with 84 percent of the adopted pets being spayed/neutered in 2003, and 91 percent in 2004.

In response to Mr. Warren's question, Colonel Baker stated lethal injections will be implemented on July 1, 2005. He stated the allegations relative to falsification of the State Veterinary report are not true, and Dr. Robert Pitts is present at the Board meeting to answer questions regarding the report. He provided a copy of a report of the Office of State Veterinary Services dated April 7, 2005 to the Board for review. He noted services at the shelter are also inspected by the Internal Audit Department, the Office of Professional Standards, as well as unannounced visits by Police Department staff.

Dr. Bill Dunnavant, a lifelong resident of Chesterfield County, stated he has been associated with the animal shelter for over 30 years. He stated the shelter manager, Ms. Alice Berry, has set up most of its procedures and instituted vaccination programs. He further stated she fosters puppies and kittens at her home and gets up during the night to feed them. He stated Ms. Berry returns to the shelter at night to administer special feedings and medications to animals and has fostered a relationship with the Chesterfield County Humane Society, which supports the shelter. He further stated Ms. Berry spends her weekends at off-site adoptions to increase the adoption of animals out of the shelter. He stated Ms. Berry rounded support for the planning and purchase of an offsite adoption mobile trailer and has increased the adoption rate at the shelter from 27 percent to as high as 44 percent during her tenure as manager. He stated he has not witnessed any inhumane acts by either Ms. Berry or Mr. Don Rose, Animal Control Supervisor. He expressed concerns that the issues being raised appear to be personal attacks. He expressed concerns that the shelter's budget has not increased in a while, yet more demands have been placed upon it. He stated Ms. Berry changes her source

of disinfectants a couple of times a year, and noted that different animals have allergies to different chemicals, which could be the source of chemical irritations to animals at the shelter.

In response to Mr. Warren's question regarding funding issues at the shelter, Dr. DunnAvant stated he believes additional personnel are needed to ensure spay/neuter compliance. He further stated he goes to the shelter whenever his services are requested, but it is less expensive for the county to bring the animals to his office.

Mrs. Humphrey thanked Dr. DunnAvant for his honest assessment of the shelter, indicating that his opinion is very important to the Board.

Ms. Gail Lay, a county resident and dog-rescuer, stated she supports the county shelter and its staff, indicating that she has never met another more caring, professional staff in her life. She further stated the county's shelter is one of the most rescue friendly and progressive shelters in the state. She stated she has always been allowed to rescue sick and injured animals from the shelter. She further stated she believes the county is moving in the right direction with regard to homeless animals at the shelter. She requested the Board's support of its terrific animal shelter staff.

Mr. Carl Wilkins, a Chesterfield County resident, stated he has volunteered at the Humane Society's remote adoption site for the past five years. He further stated he has been to the shelter and seen the care that is provided to the animals. He stated the facility is customer friendly, and Ms. Berry is tirelessly committed to the animals. He commended the county for providing funding for lethal injections for euthanasia. He suggested that the Board consider requiring sterilization of all animals prior to allowing them to be adopted or sold. He expressed concerns relative to the tactics being used by individuals and groups who are attacking the county shelter, and inquired what will happen in other jurisdictions if the Board falls to the pressures of these groups.

Mr. Joe Lay, a Chesterfield resident, stated he is very familiar with the county's animal shelter, and he does not recognize nor agree with the description of the shelter that has been provided by earlier speakers. He further stated he has visited shelters all over Virginia and in bordering states and has yet to see a municipal shelter that is any better than the county's animal shelter. He expressed concerns that shelter personnel have been looked into numerous times and never found to be negligent, and inquired how many times these good employees need to be investigated, indicating that the investigations distract from the work at hand and take away time and resources from the shelter. He stated, as a taxpayer, he is opposed to placing controls of the animal shelter in the hands of outside groups of individuals. He further stated there may be some advantage to the spay/neuter proposal offered by Ms. Starr, and he would be happy to hear more about it. He suggested that it is time for individuals and groups to focus their energy on something more useful to animal welfare and urged the Board to support its animal shelter personnel and commend them for the good job that they do.

Captain Dan Kelly, Police Department, stated he is appreciative of those who have voiced their concerns. He referenced letters of complaint from Ms. McAfee and stated there has been no confirming evidence to support her serious allegations. He further stated one issue that was found, carbon monoxide euthanasia of more than one cat at the same time, has been corrected. He stated when he met with Ms. McAfee, she stated she had not personally witnessed any of the events that she was about to allege have occurred. He further stated he has repeatedly requested that Ms. McAfee provide the names of the people who could substantiate the allegations she was making. He stated Ms. McAfee notified him in January 2005 that she had witnesses who were willing to come forward, but no one has contacted him to this date. He further stated exit interviews from employees who have left employment at the county shelter do not indicate inhumane treatment of animals. He stated there is no evidence of any employee at the shelter willfully inflicting cruel and inhumane treatment that has caused the death of an animal. He further stated it is their job to euthanize animals, and it is not a criminal act.

Mr. Ramsey stated the information provided by Ms. McAfee will be investigated.

Colonel Baker stated any allegation brought forward to the Police Department will be investigated thoroughly, but investigations cannot occur without substance.

Mr. Miller stated he is appalled by the malicious, willfully harmful e-mails that he has been receiving from Ms. McAfee. He further stated when Ms. McAfee began to allege criminal conduct - falsification and destruction of documents against people who are empowered with a very difficult job, she discredited the cause of inhumane treatment of animals. He stated the allegations deserve a thorough investigation, but requested that different tactics be used by those who have concerns than those used by Ms. McAfee.

Mrs. Humphrey thanked Ms. Starr for her offer of assistance with spaying and neutering. She stated in the future if she has any discussions with those who are concerned about animal welfare, she would like it to be with Ms. Starr.

Mr. Warren stated he agrees with Mrs. Humphrey's comments. He further stated animals need to be protected and cared for because they are the least fortunate among us. He thanked both Ms. Starr and Dr. Dunnavant for their positive input, and stated the Board will address legitimate concerns through recommendations of the County Administrator.

10. REPORTS

10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the following reports: a Report on Developer Water

and Sewer Contracts; and a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

11. DINNER

Mr. Barber stated that because of the lengthy afternoon session, the Board would reconvene at 7:30 p.m. rather than at 7:00 p.m., as specified in the Agenda.

On motion of Mr. Warren, seconded by Mr. Miller, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Reconvening:

12. INVOCATION

Reverend C. Sherill Michael, Pastor of Chester Outreach Church of Nazarene, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Eagle Scout Michael Tesh led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

14.A. RECOGNIZING APRIL 24-30, 2005, AS "ADMINISTRATIVE PROFESSIONALS WEEK" IN CHESTERFIELD COUNTY

Mrs. Doris Kron, Human Resource Specialist, introduced Ms. DaNika Robinson, representing the Old Dominion Chapter of the International Association of Administrative Professionals, and administrative professionals from both the Old Dominion and Tri-Cities Chapters.

On motion of the Board, the following resolution was adopted:

WHEREAS, administrative professionals work in a variety of fields and make up a significant portion of office personnel throughout our nation and across our great Commonwealth; and

WHEREAS, administrative professionals utilize first-rate managerial and organizational skills to master innovative techniques and advanced office technologies which increase office efficiency and work performance to the benefit of their employers and the public; and

WHEREAS, administrative professionals are essential to the modern workplace; and

WHEREAS, "Administrative Professionals Week" presents employers with the opportunity to promote and reward professional excellence, provide employees with advanced training and continuing education, and offer additional networking and career-enhancing resources to administrative professionals; and

WHEREAS, it is fitting to recognize administrative professionals for the vital role they play in the success of business and government operations throughout our great Commonwealth and nation.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of April 2005, publicly recognizes April 24-30, 2005, as "Administrative Professionals Week" and Wednesday, April 27, 2005, as "Administrative Professionals Day" in Chesterfield County, and calls this observance to the attention of all county citizens.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mrs. Humphrey presented executed resolutions to a representative from each of the chapters, and expressed appreciation to all county administrative professionals for their dedication and contributions to the county.

Ms. Robinson thanked the Board for recognizing the importance of administrative professionals in the workplace.

**14.B. RECOGNIZING THE L. C. BIRD HIGH SCHOOL SKYHAWKS
VARSITY FOOTBALL TEAM FOR ITS OUTSTANDING
ACCOMPLISHMENTS AND SPORTSMANSHIP**

Mr. Hammer introduced Coach David Bedwell and members of the L. C. Bird High School Skyhawks Varsity Football Team, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, participation in high school sports has long been an integral part of Chesterfield County's educational, physical and emotional development for students; and

WHEREAS, Mr. David Bedwell, coach of Lloyd C. Bird High School varsity football completed his fifth year as coach; and

WHEREAS, under Mr. Bedwell's and his staff's guidance and direction, the 2004 Lloyd C. Bird Skyhawks finished the regular season with an eight and two record; and

WHEREAS, the Lloyd C. Bird Skyhawks won the Dominion District championship; and

WHEREAS, the Skyhawks won the Central Region championship in AAA Division Six and were state semi-finalists in Virginia AAA Division Six; and

WHEREAS, the Lloyd C. Bird Skyhawks have compiled a five-year regular season record of 43-6; and

WHEREAS, the citizens of Chesterfield County continue to support high school football teams.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of April 2005, publicly recognizes the Lloyd C. Bird High School Skyhawks Varsity Football Team for its outstanding representation of Chesterfield County.

AND, BE IT FURTHER RESOLVED, that the Board of Supervisors, on behalf of the citizens of Chesterfield County, hereby commends the Skyhawks for their splendid sportsmanship and expresses best wishes for continued success.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Miller presented the executed resolution to Coach Bedwell, and both he and Mr. King congratulated the Skyhawks on an outstanding season and wished them future success.

Coach Bedwell expressed appreciation to the Board for the recognition.

14.C. RECOGNIZING NAPIER REALTORS ERA FOR OUTSTANDING ACCOMPLISHMENTS

Mr. Stith introduced Mr. Jim Napier, Ms. Lummie Jones and Mr. Mark Joyner, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Napier Realtors ERA is located in Chesterfield County, Virginia; and

WHEREAS, ERA has approximately 600 locations in the United States; and

WHEREAS, the Chesterfield office has been named the Top All-Around Company for high personal and ethical standards, strong business sense and consistent growth; and

WHEREAS, Napier also earned national distinction as the leading company in selling home protection through AON Home Warranty Services, Incorporated; and

WHEREAS, the company is one of the largest locally owned real estate companies, with \$382 million in gross sales in 2004; and

WHEREAS, Napier's Terry Adcock and her sales team were ranked fifth in the nation for the number of houses sold; and

WHEREAS, Dianne Long was among the top one percent of brokers for individual sales; and

WHEREAS, to add to its list of achievements, Napier was inducted this month into Cendant Mobility's 2005 Platinum

Club in recognition of the fact that it was 33rd of 1,050 companies in the Cendant network for its relocation results; and

WHEREAS, Napier was awarded the Five-Star Circle of Excellence Award for referral closings and the Destination Services Award for the highest closing rate on corporate relocations; and

WHEREAS, Napier also was awarded the Cendant Mortgage Award for the top mortgage production results among companies of similar size.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of April 2005, publicly recognizes the exemplary leadership exhibited by Napier President Jim Napier and his team of professionals, congratulates them on their outstanding achievements, is proud to have Napier Realtors ERA as a member of Chesterfield County's business community, and wishes Napier Realtors continued success.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

Mr. Barber presented the executed resolution to Mr. Napier, accompanied by Ms. Jones and Mr. Joyner, congratulated Napier Realtors on their tremendous accomplishments, and wished the business continued success.

Mr. Napier expressed appreciation to the Board for the recognition.

14.D. RECOGNIZING THE MANCHESTER MIDDLE SCHOOL MATH TEAM FOR ITS EXCELLENT REPRESENTATION OF CHESTERFIELD COUNTY

Mr. Stith introduced Ms. Carolyn Tisdale, Principal of Manchester Middle School, and the coach and members of the Math Team, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, On March 26, 2005, more than 80 students from middle schools throughout Virginia competed in the MATHCOUNTS championships; and

WHEREAS, the students represented 13 regions; and

WHEREAS, MATHCOUNTS is a national mathematics enrichment and competition program; and

WHEREAS, participating students must solve math problems individually and as teams; and

WHEREAS, the Manchester Middle School team members were Jae Chon, Cody Talmadge, Matthew Ha and Cameron Orth; and

WHEREAS, Ms. Pamela Haner served as coach for the team; and

WHEREAS, the Manchester Middle School Math Team earned third place in the Virginia MATHCOUNTS championships; and

WHEREAS, such an exemplary accomplishment is worthy of recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of April 2005, publicly recognizes the outstanding achievements of Jae Chon, Cody Talmadge, Matthew Ha and Cameron Orth, as well as the exemplary mentorship provided by Ms. Pamela Haner, congratulates the Manchester Middle School Math Team on its award, and extends to each member of the team best wishes for continued success in their academic endeavors.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Warren presented executed resolution to Coach Haner, congratulated the team on its outstanding accomplishments, and wished them continued success.

Ms. Tisdale expressed appreciation to the Board for the recognition.

14.E. RECOGNIZING SAFE, INCORPORATED AND CHESTERFIELD BASKETBALL LEAGUE COACHES FOR THEIR CONTRIBUTIONS TO SUBSTANCE ABUSE PREVENTION

Mr. Hammer introduced Mr. Robert Hodges, President of the Chesterfield Basketball League (CBL); Mr. Wayne Frith, Executive Director of SAFE; and CBL coaches, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the mission of SAFE, Incorporated, Chesterfield's substance abuse prevention coalition, is to unite organizations and individuals to promote and sustain a healthy community free of substance abuse; and

WHEREAS, the Chesterfield Basketball League promotes the healthy development of youths through building character and developing sports-related skills; and

WHEREAS, tobacco-, alcohol- and drug-use are problems that adversely affect the health and well-being of our youth; and

WHEREAS, prevention messages are most effective when youths hear them in multiple settings - at home, at school and in the community; and

WHEREAS, the use of tobacco, alcohol and other drugs hampers athletic performance; and

WHEREAS, young people look up to their coaches and listen to what they say; and

WHEREAS, SAFE developed a handbook for coaches to help them talk to their players about avoiding smoking, drinking and illegal drug use; and

WHEREAS, the Chesterfield Basketball League enthusiastically joined with SAFE in a pilot project to teach these lessons to players in their instructional, minor and intermediate divisions; and

WHEREAS, the pilot project has been successfully completed and received positive feedback from both coaches and parents.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of April 2005, publicly recognizes SAFE Incorporated, and the Chesterfield Basketball League, including Robert Hodges, president, and participating coaches Greg Bauldrick, Rob Bracey, Randy Brown, Roger Evans, E. G. Martin, Dan Meeker, Danny Osterbind, Ray Payne, Marshall Phillips, Jeff Orth, Eddie Ransom, and Don Wilmoth for their involvement in helping to prevent youth substance use among young athletes.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. King presented the executed resolution to Mr. Hodges, accompanied by Mr. Frith and CBL coaches, and expressed appreciation to them for being outstanding role models for young people.

Mr. Hodges expressed appreciation for the Board's support of this worthwhile program and also to the coaches who participated.

14.F. RECOGNIZING BOY SCOUTS UPON ATTAINING THE RANK OF EAGLE SCOUT

14.F.1. MR. MICHAEL TESH, CLOVER HILL DISTRICT

14.F.2. MR. BRIAN RIGGS, CLOVER HILL DISTRICT

14.F.3. MR. DANIEL WHITT, CLOVER HILL DISTRICT

14.F.4. MR. JOHN DRAKE, JR., CLOVER HILL DISTRICT

14.F.5. MR. KEVIN ROUSE, DALE DISTRICT

14.F.6. MR. NICHOLAS VOSS, DALE DISTRICT

14.F.7. MR. JEFFREY BEALL, DALE DISTRICT

14.F.8. MR. KENNETH "TREY" LANKEY, MATOACA DISTRICT

14.F.9. MR. KEVIN MANN, MATOACA DISTRICT

14.F.10. MR. JEFFREY VLK, MATOACA DISTRICT

14.F.11. MR. GRANT COMSTOCK, MIDLOTHIAN DISTRICT

14.F.12. MR. MATTHEW FASZEWSKI, MIDLOTHIAN DISTRICT

Mr. Hammer introduced Mr. Daniel Whitt, Mr. Kevin Rouse, Mr. Nicholas Voss, Mr. Jeffrey Beall, Mr. John Drake, Jr., Mr. Michael Tesh, Mr. Brian Riggs, Mr. Grant Comstock, Mr.

Matthew Faszewski and Mr. Jeffrey Vlk, who were present to receive resolutions.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to their community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law

Mr. Daniel Spencer Whitt, Mr. Kenneth Eugene Lankey, Mr. Kevin Scott Rouse, Mr. Kevin Michael Mann, Mr. Nicholas Andrew Voss, Mr. Jeffrey Alan Beall, all of Troop 874, sponsored by Saint Luke's United Methodist Church; Mr. John Edward Drake, Jr., Troop 806, sponsored by Woodlake United Methodist Church; Mr. Michael David Tesh, Mr. Brian Douglas Riggs, Mr. Grant Thomas Comstock and Mr. Matthew Raymond Faszewski, all of Troop 894, sponsored by Saint David's Episcopal Church; and Mr. Jeffrey Paul Vlk, Troop 842, sponsored by Swift Creek Baptist Church, have accomplished those high standards of commitment and have reached the long-sought goal of Eagle Scout which is received by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through their experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare themselves for roles as leaders in society, Daniel, Kenneth, Kevin, Kevin, Nicholas, Jeffrey, John, Michael, Brian, Grant, Matthew and Jeffrey have distinguished themselves as members of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 13th day of April 2005, hereby extends its congratulations to Mr. Daniel Spencer Whitt, Mr. Kenneth Eugene Lankey, Mr. Kevin Scott Rouse, Mr. Kevin Michael Mann, Mr. Nicholas Andrew Voss, Mr. Jeffrey Alan Beall, Mr. John Edward Drake, Jr., Mr. Michael David Tesh, Mr. Brian Douglas Riggs, Mr. Grant Thomas Comstock, Mr. Matthew Raymond Faszewski and Mr. Jeffrey Paul Vlk, and acknowledges the good fortune of the county to have such outstanding young men as its citizens.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

(It is noted Mr. Lankey and Mr. Mann were unable to attend the meeting and their resolutions will be forwarded to them.)

Mr. Warren presented executed resolutions to each of the Eagle Scouts, accompanied by members of their families,

congratulated them on their outstanding achievement, and wished them well in future endeavors.

Mrs. Humphrey presented patches to each of the Eagle Scouts.

Mr. Voss expressed appreciation to his parents and fellow scouts for their support.

Mr. Faszewski expressed appreciation to his parents and others who helped with his Eagle project.

Mr. Comstock thanked the Board for the recognition.

Mr. Beall expressed appreciation to his parents, scoutmasters and fellow scouts for their support.

Mr. Rouse expressed appreciation to his parents, God and fellow scouts for their support.

Mr. Whitt expressed appreciation to his parents, scoutmaster and members of his troop for their support.

Mr. Drake expressed appreciation to his parents, fellow scouts and scout leaders for their support.

Mr. Riggs expressed appreciation to his parents, sister, God and fellow scouts for their support.

Mr. Tesh expressed appreciation to God, his friends and family for their support.

Mr. Vlk expressed appreciation to members of his family, God and Troop 842 for their support.

15. PUBLIC HEARINGS

15.A. TO CONSIDER AN ORDINANCE PROVIDING FOR THE REMOVAL AND DISPOSAL OF UNATTENDED OR IMMOBILE MOTOR VEHICLES

Mr. Micas stated this date and time has been advertised for the Board to consider an ordinance providing for the removal and disposal of unattended or immobile motor vehicles. He further stated the Police Department currently tows vehicles that are blocking roads or creating safety hazards. He stated the department has requested additional authority to tow certain other abandoned vehicles to create safer neighborhoods, particularly those that have been illegally parked or left unattended for more than ten days, cars that are immobilized or left abandoned on other people's property.

In response to Mr. Miller's questions, Captain Dan Kelly stated vehicles will only be towed from private property after receipt of a complaint.

Discussion ensued relative to towing fees charged by county contracted towing companies.

Mr. Ramsey stated towing companies have been removed from the county's list for charging more than the contracted rate.

In response to Mr. Warren's questions, Captain Kelly stated the proposed ordinance would apply to vehicles that are not

licensed properly or do not have a state inspection, or any of the criteria that meet the definition of an abandoned vehicle on subdivision streets, indicating that the department already has the authority to remove abandoned vehicles from limited access highways. He further stated the county has ordinances that regulate tractor-trailer parking in neighborhoods.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY ENACTING
SECTION 13-64, PROVIDING FOR THE REMOVAL AND
DISPOSAL OF UNATTENDED OR IMMOBILE MOTOR VEHICLES
FROM PUBLIC OR PRIVATE PROPERTY

BE IT ORDAINED by the Board of Supervisors of Chesterfield County.

(1) That Section 13-64 of the Code of the County of Chesterfield, 1997, as amended, is hereby enacted to read as follows:

Sec. 13-64 Removal and disposal of unattended or immobile motor vehicles.

(a) The County, its agents or employees, may remove to a storage area for safekeeping any motor vehicle that:

- (1) Is left unattended on a public highway or other public property and constitutes a traffic hazard;
- (2) Is illegally parked;
- (3) Is left unattended for more than ten days either on public property or on private property without the permission of the property owner, lessee or occupant; or
- (4) Is immobilized on a public roadway by weather conditions or other emergency situations.

(b) For purposes of this section, the term motor vehicle shall also include trailers, semi-trailers and any part or parts of a motor vehicle, trailer or semi-trailer.

(c) Removal shall be carried out by or under the direction of the Chief of the Police Department or his designee, who shall be a law enforcement officer.

(d) No motor vehicle shall be removed from private property without the written request of the owner, lessee or occupant of the premises. However, upon such request such motor vehicle shall be removed upon a showing by the owner, lessee or occupant that it has complied with the posting requirements of Va. Code § 46.2-1215, if applicable. Additionally, the person making such written request shall indemnify the County against any loss or expense incurred by reason of removal, storage or sale of the motor vehicle.

(e) As promptly as possible after removal of the motor vehicle, the Chief of the Police Department or his designee shall report the removal of the motor vehicle to the office of the Commander of the Police Department's Uniformed Operations. Additionally, the Chief of Police or his designee shall report the removal to the owner of the motor vehicle.

(f) Before reclaiming possession of the motor vehicle, the owner thereof shall pay to the County or other party entitled thereto all costs incurred for its removal and storage. If the owner fails or refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record with the Office of the Department of Motor Vehicles against the motor vehicle, the vehicle shall be treated as abandoned under the provisions of Va. Code § 46.2-1200 et.seq.

(g) Any motor vehicle that (i) lacks either a current license plate or sticker; or a valid state safety inspection certificate or sticker; and (ii) has been in a specific location for four days without being moved shall be deemed abandoned and shall be treated as abandoned under the provisions of Va. Code § 46.2-1200 et.seq.

(h) Disposal of any motor vehicle not claimed by the owner or sold pursuant to provision of state law shall be performed in accordance with Va. Code § 46.2-1205.

(2) This ordinance shall be effective upon adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

15.B. TO CONSIDER 1) THE APPROVAL OF A GROUND LEASE IN CONNECTION WITH CERTIFICATES OF PARTICIPATION FINANCING FOR THE POLICE PROPERTY/EVIDENCE STORAGE FACILITY, 2) APPROVAL OF A RESOLUTION TO AUTHORIZE ENTERING INTO A GROUND LEASE AND OTHER ACTIONS RELATED TO CERTIFICATES OF PARTICIPATION FINANCING FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS, AND 3) APPROPRIATION OF ANTICIPATED PROCEEDS FOR THE AIRPORT HANGAR PROJECT

Ms. Dickson stated this date and time has been advertised for the Board to consider the approval of a ground lease in connection with Certificates of Participation financing for the Police Property/Evidence Storage Facility; a resolution to authorize entering into a ground lease and other actions related to Certificates of Participation financing for various Capital Improvement Projects, and appropriation of anticipated proceeds for the Airport Hangar Project.

Mr. Barber called for public comment.

No one came forward to speak to the issue.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved a ground lease to be entered into in connection with

the planned Certificates of Participation financing for the Police Property/Evidence Storage Facility.

And, further, the Board adopted the following resolution to approve entering into a Ground Lease, a Lease/Purchase Agreement, a Trust Agreement, and other related agreements in connection with Certificates of Participation financing for the Police Property Evidence/Storage Facility, the Community Development Building, and the Finance/Human Resources Information System:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA, APPROVING THE FORMS AND THE TERMS, CONDITIONS AND PROVISIONS AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL LEASE/PURCHASE AGREEMENT, DATED AS OF APRIL 15, 2005, BY AND BETWEEN SUNTRUST LEASING CORPORATION, AS LESSOR, AND THE COUNTY, AS LESSEE, SUPPLEMENTING A LEASE/PURCHASE AGREEMENT, DATED AS OF JANUARY 1, 2001, BY AND BETWEEN SUCH PARTIES, AND A SECOND SUPPLEMENTAL TRUST AGREEMENT, DATED AS OF APRIL 15, 2005, BY AND AMONG THE COUNTY, SUNTRUST BANK, AS TRUSTEE, AND SUNTRUST LEASING CORPORATION, SUPPLEMENTING A TRUST AGREEMENT, DATED AS OF JANUARY 1, 2001, BY AND AMONG SUCH PARTIES, IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED \$4,300,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION, SERIES 2005A, TO FINANCE A PORTION OF THE COST OF ACQUISITION AND INSTALLATION OF A FINANCIAL/HUMAN RESOURCES INFORMATION SYSTEM FOR THE COUNTY; APPROVING THE FORMS AND THE TERMS, CONDITIONS AND PROVISIONS AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL LEASE/PURCHASE AGREEMENT, DATED AS OF APRIL 15, 2005, BY AND BETWEEN SUNTRUST LEASING CORPORATION, AS LESSOR, AND THE COUNTY, AS LESSEE, SUPPLEMENTING A LEASE/PURCHASE AGREEMENT, DATED AS OF MARCH 1, 2004, BY AND BETWEEN SUCH PARTIES, AND A FIRST SUPPLEMENTAL TRUST AGREEMENT, DATED AS OF APRIL 15, 2005, BY AND AMONG THE COUNTY, SUNTRUST BANK, AS TRUSTEE, AND SUNTRUST LEASING CORPORATION, SUPPLEMENTING A TRUST AGREEMENT, DATED AS OF MARCH 1, 2004, BY AND AMONG SUCH PARTIES, IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED \$8,950,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION, SERIES 2005B, TO FINANCE A PORTION OF THE COST OF ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF A NEW COMMUNITY DEVELOPMENT BUILDING AND AN AIRPORT HANGAR PROJECT (COMPRISED OF A NEW CORPORATE HANGAR AND A NEW T-HANGAR) AT THE CHESTERFIELD COUNTY AIRPORT FOR THE COUNTY; APPROVING THE FORMS AND THE TERMS, CONDITIONS AND PROVISIONS AND AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE, DATED AS OF APRIL 15, 2005, BY AND BETWEEN THE COUNTY, AS LESSOR, AND SUNTRUST LEASING CORPORATION, AS LESSEE, A LEASE/PURCHASE AGREEMENT, DATED AS OF APRIL 15, 2005, BY AND BETWEEN SUNTRUST LEASING CORPORATION, AS LESSOR, AND THE COUNTY, AS LESSEE, AND A TRUST AGREEMENT, DATED AS OF APRIL 15, 2005, BY AND AMONG THE COUNTY, SUNTRUST BANK, AS TRUSTEE, AND SUNTRUST LEASING CORPORATION, IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED \$1,245,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION, SERIES 2005C, TO FINANCE A PORTION OF THE COST OF ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF A NEW POLICE PROPERTY AND EVIDENCE STORAGE FACILITY FOR THE COUNTY; AUTHORIZING AND DIRECTING THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFERING

STATEMENT AND THE PREPARATION, EXECUTION AND DELIVERY OF AN OFFERING STATEMENT AND DEEMING THE PRELIMINARY OFFERING STATEMENT FINAL FOR PURPOSES OF SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; DELEGATING TO THE COUNTY ADMINISTRATOR THE AUTHORITY, AMONG OTHER THINGS, TO APPROVE THE SALE OF THE CERTIFICATES AND THE DEFINITIVE DETAILS OF THE CERTIFICATES; AUTHORIZING THE MEMBERS OF SUCH BOARD AND THE OFFICIALS AND EMPLOYEES OF SUCH COUNTY TO TAKE FURTHER ACTION TO CARRY OUT, GIVE EFFECT TO AND CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; APPROVING AN APPROPRIATION FOR THE AIRPORT HANGAR PROJECT IN THE AMOUNT OF \$450,000; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA, AS FOLLOWS:

SECTION 1. Findings and Determinations. The Board of Supervisors (the "Board") of the County of Chesterfield, Virginia (the "County"), hereby finds and determines as follows:

(a) The Board in a resolution adopted by the Board on January 10, 2001 (the "January 10, 2001 Resolution") determined that it was advisable for the County to enter into a Ground Lease, dated as of January 1, 2001 (the "2001 Ground Lease"), by and between the County, as lessor, and SunTrust Leasing Corporation (the "Leasing Corporation"), as lessee, providing for the leasing by the County to the Leasing Corporation of the sites for the County's existing Juvenile Detention Home, Juvenile Courts Building and Information Systems Technology Building and an Airport Hangar at the Chesterfield County Airport and such buildings now or hereafter existing thereon.

(b) The Board in the January 10, 2001 Resolution determined that it was advisable for the County to enter into a Lease/Purchase Agreement, dated as of January 1, 2001 (the "2001 Lease/Purchase Agreement"), by and between the SunTrust Leasing Corporation (the "Leasing Corporation"), as lessor, and the County, as lessee, providing for the leasing by the County from the Leasing Corporation of the Project as defined in the 2001 Lease/Purchase Agreement (the "2001 Project"), including the Finance/Human Resources Information System.

(c) The Board in the January 10, 2001 Resolution determined that it was advisable for the County to enter into a Trust Agreement, dated as of January 1, 2001 (the "2001 Trust Agreement"), by and among SunTrust Bank, as Trustee (the "Trustee"), the Leasing Corporation and the County.

(d) On January 24, 2001, there were issued under the 2001 Trust Agreement, \$13,725,000 principal amount of Certificates of Participation, Series 2001, dated January 1, 2001 (the "Series 2001 Certificates"), for the purpose of financing a portion of the costs of the acquisition, construction, installation, furnishing and equipping of the 2001 Project, including the Finance/Human Resources Information System.

(e) The 2001 Trust Agreement authorizes the issuance of Additional Certificates payable from rentals payable under the 2001 Lease/Purchase Agreement and entitled to the lien and charge securing the Outstanding Certificates

issued under the 2001 Trust Agreement to pay any Cost of the Project described in the 2001 Trust Agreement which is not provided from the proceeds of the Series 2001 Certificates.

(f) The Board has determined that it is advisable for the County to enter into (i) a Second Supplemental Lease/Purchase Agreement, dated as of April 15, 2005 (the "2001 Second Supplemental Lease/Purchase Agreement"), by and between the Leasing Corporation, as lessor, and the County, as lessee, supplementing the 2001 Lease/Purchase Agreement and (ii) a Second Supplemental Trust Agreement, dated as of April 15, 2005 (the "2001 Second Supplemental Trust Agreement"), by and among the Trustee, the Leasing Corporation and the County, supplementing the 2001 Trust Agreement, in connection with the issuance of not to exceed \$4,300,000 principal amount of Certificates of Participation, Series 2005A (the "Series 2005A Certificates"), as Additional Certificates under the 2001 Trust Agreement for the purpose of financing additional costs of the 2001 Project, including the Finance/Human Resources Information System.

(g) The Board in a resolution adopted by the Board on March 10, 2004, as amended by a resolution adopted on April 14, 2004 (the "March 10, 2004 Resolution"), determined that it was advisable for the County to enter into a Ground Lease, dated as of March 1, 2004 (the "2004 Ground Lease"), by and between the County, as lessor, and the Leasing Corporation, as lessee, providing for the leasing by the County to the Leasing Corporation of the sites for a new Community Development Building, the Chester House Rehabilitative Facility and an Airport Hangar Project (comprised of a new corporate hangar and a new T-hangar) at the Chesterfield County Airport and such buildings now or hereafter existing thereon.

(h) The Board in the March 10, 2004 Resolution determined that it was advisable for the County to enter into a Lease/Purchase Agreement, dated as of March 1, 2004 (the "2004 Lease/Purchase Agreement"), by and between the Leasing Corporation, as lessor, and the County, as lessee, providing for the leasing by the County from the Leasing Corporation of the Project as defined in the 2004 Lease/Purchase Agreement (the "2004 Project"), including a new Community Development Building.

(i) The Board in the March 10, 2004 Resolution determined that it was advisable for the County to enter into a Trust Agreement, dated as of March 1, 2004 (the "2004 Trust Agreement"), by and among the Trustee, the Leasing Corporation and the County.

(j) On April 15, 2004, there were issued under the 2004 Trust Agreement, \$6,990,000 principal amount of Certificates of Participation, Series 2004B, dated April 15, 2004 (the "Series 2004B Certificates"), for the purpose of financing a portion of the costs of the acquisition, construction, installation, furnishing and equipping of the 2004 Project, including a new Community Development Building and an Airport Hangar Project (comprised of a new corporate hangar and a new T-hangar) at the Chesterfield County Airport.

(k) The 2004 Trust Agreement authorizes the issuance of Additional Certificates payable from rentals

payable under the 2004 Lease/Purchase Agreement and entitled to the lien and charge securing the Outstanding Certificates issued under the 2004 Trust Agreement to pay any Cost of the Project described in the 2004 Trust Agreement which is not provided from the proceeds of the Series 2004B Certificates.

(l) The Board has determined that it is advisable for the County to enter into (i) a First Supplemental Lease/Purchase Agreement, dated as of April 15, 2005 (the "2004 First Supplemental Lease/Purchase Agreement"), by and between the Leasing Corporation, as lessor, and the County, as lessee, supplementing the 2004 Lease/Purchase Agreement and (ii) a First Supplemental Trust Agreement, dated as of April 15, 2005 (the "2004 First Supplemental Trust Agreement"), by and among the Trustee, the Leasing Corporation and the County, supplementing the 2004 Trust Agreement, in connection with the issuance of not to exceed \$8,950,000 principal amount of Certificates of Participation, Series 2005B (the "Series 2005B Certificates"), as Additional Certificates under the 2004 Trust Agreement for the purpose of financing additional costs of the 2004 Project, including a new Community Development Building and an Airport Hangar Project (comprised of a new corporate hangar and a new T-hangar) at the Chesterfield County Airport.

(m) The Board has determined that it is advisable for the County to enter into a Ground Lease, dated as of April 15, 2005 (the "2005 Ground Lease"), by and between the County, as lessor, and the Leasing Corporation, as lessee, providing for the leasing by the County to the Leasing Corporation of the site of a Police Property and Evidence Storage Facility and such buildings now or hereafter existing thereon and has determined to conduct a public hearing with respect to the same in accordance with Section 15.2-1800.B of the Code of Virginia, 1950, on April 13, 2005 at the regular meeting of the Board at which this resolution is being adopted.

(n) The Board has determined that it is advisable for the County to enter into a Lease/Purchase Agreement, to be dated as of April 15, 2005 (the "2005 Lease/Purchase Agreement"), by and between the Leasing Corporation, as lessor, and the County, as lessee, providing, among other things, for the leasing by the County from the Leasing Corporation of the Project as defined in the 2005 Lease/Purchase Agreement (the "2005 Project"), including a new Police Property and Evidence Storage Facility.

(o) The Board has determined that it is advisable for the County to enter into a Trust Agreement, dated as of April 15, 2005 (the "2005 Trust Agreement"), by and among the Trustee, the Leasing Corporation and the County.

(p) The Board has determined that it is advisable for the County to enter into (i) the 2005 Ground Lease, (ii) the 2005 Lease/Purchase Agreement and (iii) the 2005 Trust Agreement, in connection with the issuance of not to exceed \$1,245,000 principal amount of Certificates of Participation, Series 2005C (the "Series 2005C Certificates" and, collectively with the Series 2005A Certificates and the Series 2005B Certificates, the "Certificates"), under the 2005 Trust Agreement for the purpose of financing a portion of the costs of the acquisition, construction, installation,

furnishing and equipping of a new Police Property and Evidence Storage Facility.

(q) The Board has determined that it is advisable to take certain other actions in connection with the authorization, issuance, sale and delivery of the Certificates, including delegating to the County Administrator the authority, among other things, to approve the interest rates for and other details of the Certificates

SECTION 2. Definitions.

"Certificates" shall mean collectively the Series 2005A Certificates, the Series 2005B Certificates and the Series 2005C Certificates.

"Leasing Corporation" shall mean SunTrust Leasing Corporation, a corporation organized and existing under the laws of Commonwealth of Virginia.

"Project" shall have the meaning given to such term in each of the 2001 Lease/Purchase Agreement, the 2004 Lease/Purchase Agreement and the 2005 Lease/Purchase Agreement. "Projects" shall mean collectively the Project as such term is defined in the 2001 Lease/Purchase Agreement, the Project as such term is defined in the 2004 Lease/Purchase Agreement and the Project as such term is defined in the 2005 Lease/Purchase Agreement.

"Series 2005A Certificates" shall mean the not to exceed \$4,300,000 principal amount of Certificates of Participation, Series 2005A, to be issued as Additional Certificates under the 2001 Trust Agreement.

"Series 2005B Certificates" shall mean the not to exceed \$8,950,000 principal amount of Certificates of Participation, Series 2005B, to be issued as Additional Certificates under the 2004 Trust Agreement.

"Series 2005C Certificates" shall mean the not to exceed \$1,245,000 principal amount of Certificates of Participation, Series 2005C, to be issued as the initial series of Certificates under the 2005 Trust Agreement.

"Trustee" shall mean SunTrust Bank, a banking corporation organized and existing under the laws of the State of Georgia and having a corporate trust office in the City of Richmond, Virginia.

"2001 Lease/Purchase Agreement" shall mean the Lease/Purchase Agreement, dated as of January 1, 2001, by and between the Leasing Corporation, as lessor, and the County, as lessee.

"2001 Second Supplemental Lease/Purchase Agreement" shall mean the Second Supplemental Lease/Purchase Agreement, dated as of April 15, 2005, by and between the Leasing Corporation, as lessor, and the County, as lessee, supplementing the 2001 Lease/Purchase Agreement.

"2001 Second Supplemental Trust Agreement" shall mean the Second Supplemental Trust Agreement, dated as of April 15, 2005, by and among the Trustee, the Leasing

Corporation and the County, supplementing the 2001 Trust Agreement.

"2001 Trust Agreement" shall mean the Trust Agreement, dated as of January 1, 2001, by and among the Trustee, the Leasing Corporation and the County.

"2004 First Supplemental Lease/Purchase Agreement" shall mean the First Supplemental Lease/Purchase Agreement, dated as of April 15, 2005, by and between the Leasing Corporation, as lessor, and the County, as lessee, supplementing the 2004 Lease/Purchase Agreement.

"2004 First Supplemental Trust Agreement" shall mean the First Supplemental Trust Agreement, dated as of April 15, 2005, by and among the Trustee, the Leasing Corporation and the County, supplementing the 2004 Trust Agreement.

"2004 Lease/Purchase Agreement" shall mean the Lease/Purchase Agreement, dated as of March 1, 2004, by and between the Leasing Corporation, as lessor, and the County, as lessee.

"2004 Trust Agreement" shall mean the Trust Agreement, dated as of March 1, 2004, by and among the Trustee, the Leasing Corporation and the County.

"2005 Ground Lease" shall mean the Ground Lease, dated as of April 15, 2005, by and between the County, as lessor, and the Leasing Corporation, as lessee.

"2005 Lease/Purchase Agreement" shall mean the Lease/Purchase Agreement, dated as of April 15, 2005, by and between the Leasing Corporation, as lessor, and the County, as lessee, providing for the leasing of the Project (as defined in the 2005 Lease/Purchase Agreement) to the County.

"2005 Trust Agreement" shall mean the Trust Agreement, dated as of April 15, 2005, by and among the Trustee, the Leasing Corporation and the County.

SECTION 3. Additional Findings and Determinations. The Board hereby further finds and determines as follows:

(a) The leasing of each of the Projects is presently essential to the County and are anticipated to continue to be essential to the County.

(b) (i) The representations set forth in Section 2.1 of the 2001 Lease/Purchase Agreement, as supplemented by the 2001 Second Supplemental Lease/Purchase Agreement, are true and correct on and as of the date of adoption of this resolution.

(ii) The statements set forth in Section 4.4 of the 2001 Lease/Purchase Agreement, as supplemented by the 2001 Second Supplemental Lease/Purchase Agreement, accurately reflect the intention of the Board with respect to the subject matter thereof, subject to the qualification recited therein that the Board is not empowered to make any commitment beyond the current fiscal year of the County.

(c) (i) The representations set forth in Section 2.1 of the 2004 Lease/Purchase Agreement, as supplemented by the 2004 First Supplemental Lease/Purchase Agreement, are true and correct on and as of the date of adoption of this resolution.

(ii) The statements set forth in Section 4.4 of the 2004 Lease/Purchase Agreement, as supplemented by the 2004 First Supplemental Lease/Purchase Agreement, accurately reflect the intention of the Board with respect to the subject matter thereof, subject to the qualification recited therein that the Board is not empowered to make any commitment beyond the current fiscal year of the County.

(d) (i) The representations set forth in Section 2.1 of the 2005 Lease/Purchase Agreement are true and correct on and as of the date of adoption of this resolution.

(ii) The statements set forth in Section 4.4 of the 2005 Lease/Purchase Agreement accurately reflect the intention of the Board with respect to the subject matter thereof, subject to the qualification recited therein that the Board is not empowered to make any commitment beyond the current fiscal year of the County.

SECTION 4. Approval of the Form of the 2001 Second Supplemental Lease/Purchase Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the 2001 Second Supplemental Lease/Purchase Agreement. The form of the 2001 Second Supplemental Lease/Purchase Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof (including in particular the Base Payments and Additional Base Payments required to be paid thereunder as the same shall be set forth in the exhibits thereto and the other rental payments required to be paid thereunder) are hereby approved, ratified and confirmed, and the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver to the Leasing Corporation the 2001 Second Supplemental Lease/Purchase Agreement in such form, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 5. Approval of the Form of the 2001 Second Supplemental Trust Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the 2001 Second Supplemental Trust Agreement. The form of the 2001 Second Supplemental Trust Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof, are hereby approved, ratified and confirmed, and the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute

and deliver the 2001 Second Supplemental Trust Agreement to the Trustee and the Leasing Corporation, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 6. Approval of the Form of the 2004 First Supplemental Lease/Purchase Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the 2004 First Supplemental Lease/Purchase Agreement. The form of the 2004 First Supplemental Lease/Purchase Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof (including in particular the Base Payments and Additional Base Payments required to be paid thereunder as the same shall be set forth in the exhibits thereto and the other rental payments required to be paid thereunder) are hereby approved, ratified and confirmed, and the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver to the Leasing Corporation the 2004 First Supplemental Lease/Purchase Agreement in such form, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 7. Approval of the Form of the 2004 First Supplemental Trust Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the 2004 First Supplemental Trust Agreement. The form of the 2004 First Supplemental Trust Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof, are hereby approved, ratified and confirmed, and the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver the 2004 First Supplemental Trust Agreement to the Trustee and the Leasing Corporation, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 8. Approval of the Form of the 2005 Ground Lease and the Terms, Conditions and Provisions Thereof; Authorization and Direction of Execution and Delivery of the 2005 Ground Lease. The form of the 2005 Ground Lease presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof, are hereby approved, ratified and confirmed, and the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver to the Leasing Corporation the 2005 Ground Lease in such form, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 9. Approval of the Form of the 2005 Lease/Purchase Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the 2005

Lease/Purchase Agreement. The form of the 2005 Lease/Purchase Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof (including in particular the Base Payments required to be paid thereunder as the same shall be set forth in the exhibits thereto and the other rental payments required to be paid thereunder) are hereby approved, ratified and confirmed, and, subject to the execution and delivery by the County of the 2005 Ground Lease in accordance with Section 8, the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver to the Leasing Corporation the 2005 Lease/Purchase Agreement in such form, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 10. Approval of the Form of the 2005 Trust Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the 2005 Trust Agreement; Approval of Appointment of Trustee. (a) The form of the 2005 Trust Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof, are hereby approved, ratified and confirmed, and, subject to the execution and delivery by the County of the 2005 Ground Lease in accordance with Section 8, the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver the 2005 Trust Agreement to the Trustee and the Leasing Corporation, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

(b) The Board hereby approves the appointment of SunTrust Bank as Trustee under the 2005 Trust Agreement.

SECTION 11. Preparation and Distribution of Preliminary Offering Statement and Preparation, Execution and Delivery of Offering Statement; Preliminary Offering Statement "Deemed Final" for Purposes of Rule 15c2-12 of the Securities and Exchange Commission. (a) The County Administrator and other appropriate officials and employees of the County are hereby authorized and directed to prepare and distribute or disseminate, or cause to be prepared and distributed or disseminated, to prospective purchasers of the Certificates a Preliminary Offering Statement relating to the Certificates (the "Preliminary Offering Statement"), such Preliminary Offering Statement to be in substantially the form presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted. All actions taken by the officials, employees, agents and attorneys of the County with respect to the preparation and distribution or dissemination of such Preliminary Offering Statement prior to the date hereof are hereby approved, ratified and confirmed.

(b) The County Administrator and other appropriate officials and employees of the County are hereby authorized and directed to prepare, or to cause to be prepared, an Offering Statement relating to the Certificates (the

"Offering Statement"), such Offering Statement to be in substantially the form of the Preliminary Offering Statement with the completion therein of the information with respect to the interest rates to be borne by the Certificates as specified by the successful bidder for the Certificates and other definitive details of the Certificates determined upon the sale of the Certificates to the successful bidder therefor.

(c) The County Administrator is hereby authorized to execute and deliver to the representative of the purchasers of the Certificates the Offering Statement relating to the Certificates in accordance with the provisions of the Detailed Notice of Sale relating to the Certificates.

(d) The Preliminary Offering Statement shall be "deemed final" as of its date for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 ("Rule 15c2-12") except for the omission of certain information permitted to be omitted by Rule 15c2-12. The County Administrator is hereby authorized to execute and deliver to the representative of the purchasers of the Certificates a certificate dated the date of the Preliminary Offering Statement stating that the Preliminary Offering Statement is "deemed final" as of its date by the County for purposes of Rule 15c2-12.

SECTION 12. Sale of Certificates; Details of Certificates. (a) There is hereby delegated to the County Administrator authority, without further action by the Board, to approve the sale of the Certificates at competitive sale at not less than 100% of the principal amount thereof, plus accrued interest thereon from their date to the date of the delivery thereof and payment therefor, and on such other terms and conditions as shall be provided in the Detailed Notice of Sale relating to the Certificates. The County Administrator is hereby authorized to cause to be published and distributed a Detailed Notice of Sale relating to the Certificates in such form and containing such terms and conditions as he may deem advisable, subject to the provisions hereof. In lieu of publishing the full text of the Detailed Notice of Sale relating to the Certificates in accordance with the provisions of the immediately preceding sentence, the County Administrator is hereby authorized to cause a Summary Notice of Sale of the Certificates in such form as the County Administrator shall approve to be published in *The Bond Buyer* on a date selected by the County Administrator and is hereby further authorized to cause to be prepared and distributed a Detailed Notice of Sale relating to the Certificates, such Detailed Notice of Sale to be in substantially the form set forth in Appendix F to the Preliminary Offering Statement relating to the Certificates presented to the meeting at which this resolution is being adopted.

(b) The County is hereby authorized to receive bids for the purchase of the Certificates and, the County Administrator, without further action by the Board, is authorized to approve the acceptance of the bid offering to purchase the Certificates at the lowest true interest cost to the County, computed in accordance with the provisions of the Detailed Notice of Sale; *provided that* (i) such bid is

accompanied by a surety bond meeting the conditions specified in the Detailed Notice of Sale relating to the Certificates and is otherwise in conformity with such Detailed Notice of Sale, (ii) no premium payable upon the redemption of the Certificates shall be in excess of two percent (2%) and (iii) the true interest cost to the County as specified in such bid is not in excess of six percent (6%). The County Administrator is hereby authorized to determine the date of the Certificates, the dates on which interest shall be payable on the Certificates, the maturity dates of the Certificates, the aggregate principal amounts of the Certificates of each series and the principal amounts of the Certificates maturing in each year.

(c) The County Administrator, the Director of Accounting and the County Attorney are hereby authorized to execute and deliver to the purchasers of the Certificates one or more certificates in the forms provided for in the Offering Statement relating to the Certificates.

(d) The County Administrator is hereby authorized to approve the definitive details of the Certificates as the same shall be set forth in the Detailed Notice of Sale, the Preliminary Offering Statement, the Offering Statement and the bid submitted by the successful bidder for the Certificates.

SECTION 13. Tax Covenant. The County covenants and agrees to comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 and the applicable Treasury Regulations promulgated thereunder throughout the term of the Certificates.

SECTION 14. Further Action of the Board and of the Officials and Employees of the County. The members of the Board and the officials and employees of the County are hereby authorized and directed to take any and all such further action as upon advice of counsel to the County they shall deem necessary or desirable in order to carry out, give effect to and consummate the transactions contemplated by this resolution and by the terms of the 2001 Second Supplemental Lease/Purchase Agreement, the 2001 Second Supplemental Trust Agreement, the 2004 First Supplemental Lease/Purchase Agreement, the 2004 First Supplemental Trust Agreement, the 2005 Ground Lease, the 2005 Lease/Purchase Agreement and the 2005 Trust Agreement and by any of the documents referred to herein or therein or approved hereby or thereby.

SECTION 15. Appropriation for Airport Hangar Project. The Board hereby appropriates the amount of \$450,000 of the net proceeds of sale of the Series 2005B Certificates to pay costs of acquisition, construction, installation, furnishing and equipping of the Airport Hangar Project at the Chesterfield County Airport.

SECTION 16. Repeal of Conflicting Resolutions. All resolutions, or portions thereof, heretofore adopted by the Board which are in conflict or inconsistent with this resolution are hereby repealed to the extent of such inconsistency.

SECTION 17. Effectiveness of Resolution. This resolution shall be effective from and after its adoption.

And, further, the Board appropriated up to \$450,000 in anticipated proceeds for the Airport Hangar Project at the Chesterfield County Airport.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

15.C. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A FIFTY-FOOT UNIMPROVED RIGHT OF WAY KNOWN AS RYCLIFF AVENUE, FORMERLY KNOWN AS GARY AVENUE, WITHIN REVISED PLAN OF RAYON PARK

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of a 50-foot unimproved right of way known as Rycliff Avenue, formerly known as Gary Avenue, within Revised Plan of Rayon Park.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to RICHMOND METRO HABITAT FOR HUMANITY, INC, a Virginia non-profit corporation; and DOUGLAS W. PAYNE and FRANCES A. PAYNE, (husband and wife), ("GRANTEE"), a portion of a 50' unimproved right of way known as Rycliff Avenue, formerly known as Gary Avenue, within Revised Plan of Rayon Park Subdivision, BERMUDA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 4, at Page 150.

WHEREAS, RICHMOND METROPOLITAN HABITAT FOR HUMANITY, INC., petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of a 50' unimproved right of way known as Rycliff Avenue, formerly known as Gary Avenue, within Revised Plan of Rayon Park Subdivision, BERMUDA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 4, Page 150, by W. W. LAPRADE & BROS., dated JULY 5, 1928. The portion of right of way petitioned to be vacated is more fully described as follows:

A portion of a 50' unimproved right of way known as Rycliff Avenue, formerly known as Gary Avenue, within Revised Plan of Rayon Park Subdivision, the location of which is more fully shown on a plat attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the right of way sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of right of way be and is hereby vacated.

GRANTEE hereby conveys unto the GRANTOR and GRANTOR hereby reserves a 16' drainage easement, as shown on the attached plat.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title to the centerline of the portion of right of way hereby vacated in the abutting property owners, within Revised Plan of Rayon Park Subdivision, free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and RICHMOND METRO HABITAT FOR HUMANITY, INC, a Virginia non-profit corporation; and DOUGLAS W. PAYNE and FRANCES A. PAYNE, (husband and wife), or their successors in title, as GRANTEE.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

15.D. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF OFFSITE RIGHT OF WAY AND PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE COSBY ROAD HIGH SCHOOL PROJECT

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the exercise of eminent domain for the acquisition of offsite right of way and permanent and temporary construction easements for the Cosby Road High School Project.

In response to Mr. Barber's question, Mr. Stith stated this action is being requested because staff has been unable to identify and/or locate heirs of the subject property owners' estates.

Mr. Barber called for public comment.

Ms. Brenda Stewart stated, according to the agenda item, an offer was made and a counter-offer was not accepted for the property of two of the estates.

Mr. Sasek stated staff was put in contact and has been negotiating with two attorneys that represent some of the

heirs, but has been unable to reach an agreement on compensation. He expressed concerns that 100 percent of the ownership has not been established with certainty, and additional heirs have not been identified or located.

Ms. Stewart expressed concerns that many of the heirs do not understand the eminent domain process. She also expressed concerns relative to the compensation that was offered by the county for the property that is the subject of this eminent domain action, considering the amount of money paid by the county to purchase the adjoining property for Cosby Road High School. She stated she likes to see the county save money, but does not like to see unfair treatment of individuals through the eminent domain process. She requested that the Board defer its decision regarding the eminent domain action pending further examination of the facts in this situation.

Ms. Jody Felice, Vice-President of Fox Croft Homeowners Association, stated the eminent domain case speaks to the energy and money the county has committed to relieve traffic congestion on Hull Street Road by redirecting the traffic through a community of 364 homes to Woolridge Road. She expressed concerns that Woolridge Road is still not listed on the county's five-year plan for road improvements. She stated the Foxcroft and FoxFire communities funded a traffic study by Traffic Safety Consultants, Incorporated, which was forwarded to county staff. She expressed concerns that neither the Board of Supervisors nor the Transportation Department (VDOT) has initiated any requests to the Virginia Department of Transportation in terms of the design or safety of Fox Club Parkway beyond what would expedite traffic relief for Hull Street Road.

In response to Mrs. Humphrey's question, Mr. Micas stated the substantial accord obligation for Cosby Road High School required connection of Fox Club Parkway and Village Square Parkway.

Discussion ensued relative to attempts to determine and locate heirs to the estates that are subject to this eminent domain action.

In response to Mrs. Humphrey's question, Mr. Sasek stated the subject properties are landlocked and have title issues. He further stated it is very difficult to market property when title cannot be guaranteed.

Mrs. Humphrey stated the disparity between value of the properties referred to by Ms. Stewart is due to the fact that one had road frontage on Hull Street Road and the others are landlocked.

Mr. Ramsey stated that at a meeting he attended with Dr. Cannaday, Mr. McCracken, Mr. Wayne Bass and VDOT staff, a request was made for VDOT to consider a four-way stop on Fox Club Parkway. He further stated VDOT was concerned that there was not equal traffic in all four directions and could not assure the county that they would approve the request. He noted that staff will be bringing forward a proposal to restrict through truck traffic on Fox Club Parkway.

In response to Mr. Miller's question, Mr. Micas stated a bona fide effort has been made to acquire the property, based upon

a legitimate appraisal. He further stated the counteroffer was excessive, and a court process is necessary to clear the title on the subject properties.

Additional discussion ensued relative to staff's attempts to identify the property owners.

There being no one else to speak to the issue, the public hearing was closed.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the exercise of eminent domain for the acquisition of offsite right of way and permanent and temporary construction easements for the Cosby Road High School Project and authorized the right to enter and take such right of way easements prior to eminent domain proceedings.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

16. ADJOURNMENT

On motion of Mr. King, seconded by Mr. Miller, the Board adjourned at 8:54 p.m. until April 27, 2005 at 4:00 p.m.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Edward B. Barber
Chairman